Union Calendar No. 19

112TH CONGRESS 1ST SESSION

H. R. 658

[Report No. 112-29, Parts I and II]

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 11, 2011

Mr. Mica (for himself, Mr. Petri, Mr. Hultgren, Mr. Young of Alaska, Mr. Graves of Missouri, Mr. Long, Mr. Meehan, Mr. Hanna, Mr. Southerland, Mr. Westmoreland, Mr. Gibbs, Mr. Bucshon, Mr. Cohen, Mrs. Capito, Mr. Denham, Mr. Barletta, Mr. Farenthold, Mr. Reed, Mr. Coble, Mr. Lankford, Mr. Shuster, and Mr. Gary G. Miller of California) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

March 10, 2011

Reported with an amendment and referred, for a period ending not later than March 23, 2011, to the Committee on Science, Space, and Technology, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(p), rule X, and to the Committee on the Judiciary, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X

[Strike out all after the enacting clause and insert the part printed in italic]

March 16, 2011

Supplemental report filed by the Committee on Transportation and Infrastructure

March 23, 2011

Additional sponsors: Mr. Cravaack, Mr. Rokita, and Mr. Guinta

March 23, 2011

The Committees on Science, Space, and Technology and the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 11, 2011]

A BILL

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
- 4 (a) Short Title.—This Act may be cited as the
- 5 "FAA Reauthorization and Reform Act of 2011".
- 6 (b) Table of Contents.—
 - Sec. 1. Short title; table of contents.
 - Sec. 2. Amendments to title 49, United States Code.
 - Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

- Sec. 101. Airport planning and development and noise compatibility planning and programs.
- Sec. 102. Air navigation facilities and equipment.
- Sec. 103. FAA operations.
- Sec. 104. Funding for aviation programs.
- Sec. 105. Delineation of Next Generation Air Transportation System projects.
- Sec. 106. Funding for administrative expenses for airport programs.

Subtitle B—Passenger Facility Charges

- Sec. 111. Passenger facility charges.
- Sec. 112. Airport access flexibility program.
- Sec. 113. GAO study of alternative means of collecting PFCs.
- Sec. 114. Qualifications-based selection.

Subtitle C—Fees for FAA Services

- Sec. 121. Update on overflights.
- Sec. 122. Registration fees.

Subtitle D—Airport Improvement Program Modifications

- Sec. 131. Airport master plans.
- Sec. 132. Aerotropolis transportation systems.
- Sec. 133. AIP definitions.
- Sec. 134. Recycling plans for airports.
- Sec. 135. Contents of competition plans.
- Sec. 136. Grant assurances.
- Sec. 137. Agreements granting through-the-fence access to general aviation airports.
- Sec. 138. Government share of project costs.
- Sec. 139. Allowable project costs.
- Sec. 140. Veterans' preference.
- Sec. 141. Standardizing certification of disadvantaged business enterprises.
- Sec. 142. Special apportionment rules.
- Sec. 143. Apportionments.

- Sec. 144. Marshall Islands, Micronesia, and Palau.
- Sec. 145. Designating current and former military airports.
- Sec. 146. Contract tower program.
- Sec. 147. Resolution of disputes concerning airport fees.
- Sec. 148. Sale of private airports to public sponsors.
- Sec. 149. Repeal of certain limitations on Metropolitan Washington Airports Authority.
- Sec. 150. Midway Island Airport.
- Sec. 151. Miscellaneous amendments.
- Sec. 152. Extension of grant authority for compatible land use planning and projects by State and local governments.
- Sec. 153. Priority review of construction projects in cold weather States.
- Sec. 154. Study on national plan of integrated airport systems.
- Sec. 155. Transfers of terminal area air navigation equipment to airport sponsors.
- Sec. 156. Airport privatization program.

TITLE II—NEXTGEN AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

- Sec. 201. Definitions.
- Sec. 202. NextGen demonstrations and concepts.
- Sec. 203. Clarification of authority to enter into reimbursable agreements.
- Sec. 204. Chief NextGen Officer.
- Sec. 205. Definition of air navigation facility.
- Sec. 206. Clarification to acquisition reform authority.
- Sec. 207. Assistance to foreign aviation authorities.
- Sec. 208. Next Generation Air Transportation System Joint Planning and Development Office.
- Sec. 209. Next Generation Air Transportation Senior Policy Committee.
- Sec. 210. Improved management of property inventory.
- Sec. 211. Automatic dependent surveillance-broadcast services.
- Sec. 212. Expert review of enterprise architecture for NextGen.
- Sec. 213. Acceleration of NextGen technologies.
- Sec. 214. Performance metrics.
- Sec. 215. Certification standards and resources.
- Sec. 216. Surface systems acceleration.
- Sec. 217. Inclusion of stakeholders in air traffic control modernization projects.
- Sec. 218. Siting of wind farms near FAA navigational aids and other assets.
- Sec. 219. Airspace redesign.

TITLE III—SAFETY

Subtitle A—General Provisions

- Sec. 301. Judicial review of denial of airman certificates.
- Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.
- Sec. 303. Design and production organization certificates.
- Sec. 304. Aircraft certification process review and reform.
- Sec. 305. Consistency of regulatory interpretation.
- Sec. 306. Runway safety.
- Sec. 307. Improved pilot licenses.
- Sec. 308. Flight attendant fatigue.
- Sec. 309. Flight Standards Evaluation Program.
- Sec. 310. Cockpit smoke.

- Sec. 311. Safety of air ambulance operations.
- Sec. 312. Off-airport, low-altitude aircraft weather observation technology.
- Sec. 313. Feasibility of requiring helicopter pilots to use night vision goggles.
- Sec. 314. Prohibition on personal use of electronic devices on flight deck.
- Sec. 315. Noncertificated maintenance providers.
- Sec. 316. Inspection of foreign repair stations.
- Sec. 317. Sunset of line check.

Subtitle B—Unmanned Aircraft Systems

- Sec. 321. Definitions.
- Sec. 322. Commercial unmanned aircraft systems integration plan.
- Sec. 323. Special rules for certain unmanned aircraft systems.
- Sec. 324. Public unmanned aircraft systems.
- Sec. 325. Unmanned aircraft systems test ranges.

Subtitle C—Safety and Protections

- Sec. 331. Postemployment restrictions for flight standards inspectors.
- Sec. 332. Review of air transportation oversight system database.
- Sec. 333. Improved voluntary disclosure reporting system.
- Sec. 334. Aviation Whistleblower Investigation Office.
- Sec. 335. Duty periods and flight time limitations applicable to flight crewmembers.

TITLE IV—AIR SERVICE IMPROVEMENTS

Subtitle A—Essential Air Service

- Sec. 401. Essential air service marketing.
- Sec. 402. Notice to communities prior to termination of eligibility for subsidized essential air service.
- Sec. 403. Essential air service contract guidelines.
- Sec. 404. Essential air service reform.
- Sec. 405. Small community air service.
- Sec. 406. Adjustments to compensation for significantly increased costs.
- Sec. 407. Repeal of EAS local participation program.
- Sec. 408. Sunset of essential air service program.

Subtitle B—Passenger Air Service Improvements

- Sec. 421. Smoking prohibition.
- Sec. 422. Monthly air carrier reports.
- Sec. 423. Flight operations at Ronald Reagan Washington National Airport.
- Sec. 424. Musical instruments.
- Sec. 425. Passenger air service improvements.
- Sec. 426. Airfares for members of the Armed Forces.
- Sec. 427. Review of air carrier flight delays, cancellations, and associated causes.
- Sec. 428. Denied boarding compensation.
- Sec. 429. Compensation for delayed baggage.
- Sec. 430. Schedule reduction.
- Sec. 431. DOT airline consumer complaint investigations.
- Sec. 432. Study of operators regulated under part 135.
- Sec. 433. Use of cell phones on passenger aircraft.

TITLE V—ENVIRONMENTAL STREAMLINING

Sec. 501. Overflights of national parks.

- Sec. 502. State block grant program.
- Sec. 503. NextGen environmental efficiency projects streamlining.
- Sec. 504. Airport funding of special studies or reviews.
- Sec. 505. Noise compatibility programs.
- Sec. 506. Grant eligibility for assessment of flight procedures.
- Sec. 507. Determination of fair market value of residential properties.
- Sec. 508. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
- Sec. 509. Aircraft departure queue management pilot program.
- Sec. 510. High performance, sustainable, and cost-effective air traffic control facilities.
- Sec. 511. Sense of Congress.
- Sec. 512. Aviation noise complaints.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

- Sec. 601. Federal Aviation Administration personnel management system.
- Sec. 602. Presidential rank award program.
- Sec. 603. FAA technical training and staffing.
- Sec. 604. Safety critical staffing.
- Sec. 605. FAA air traffic controller staffing.
- Sec. 606. Air traffic control specialist qualification training.
- Sec. 607. Assessment of training programs for air traffic controllers.
- Sec. 608. Collegiate training initiative study.
- Sec. 609. FAA facility conditions.
- Sec. 610. Frontline manager staffing.

TITLE VII—AVIATION INSURANCE

- Sec. 701. General authority.
- Sec. 702. Extension of authority to limit third-party liability of air carriers arising out of acts of terrorism.
- Sec. 703. Clarification of reinsurance authority.
- Sec. 704. Use of independent claims adjusters.

TITLE VIII—MISCELLANEOUS

- Sec. 801. Disclosure of data to Federal agencies in interest of national security.
- Sec. 802. FAA access to criminal history records and database systems.
- Sec. 803. Civil penalties technical amendments.
- Sec. 804. Realignment and consolidation of FAA services and facilities.
- Sec. 805. Limiting access to flight decks of all-cargo aircraft.
- Sec. 806. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.
- Sec. 807. Prohibition on use of certain funds.
- Sec. 808. Study on aviation fuel prices.
- Sec. 809. Wind turbine lighting.
- Sec. 810. Air-rail code sharing study.
- Sec. 811. D.C. Metropolitan Area Special Flight Rules Area.
- Sec. 812. FAA review and reform.
- Sec. 813. Cylinders of compressed oxygen or other oxidizing gases.

TITLE IX—NATIONAL MEDIATION BOARD

- Sec. 901. Authority of Inspector General.
- Sec. 902. Evaluation and audit of National Mediation Board.
- Sec. 903. Repeal of rule.

TITLE X—COMMERCIAL SPACE TRANSPORTATION

Sec. 1001. Space flight passengers.

1	SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.
2	Except as otherwise expressly provided, whenever in
3	this Act an amendment or repeal is expressed in terms of
4	an amendment to, or a repeal of, a section or other provi-
5	sion, the reference shall be considered to be made to a section
6	or other provision of title 49, United States Code.
7	SEC. 3. EFFECTIVE DATE.
8	Except as otherwise expressly provided, this Act and
9	the amendments made by this Act shall take effect on the
10	date of enactment of this Act.
11	TITLE I—AUTHORIZATIONS
12	Subtitle A—Funding of FAA
13	Programs
14	SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND
15	NOISE COMPATIBILITY PLANNING AND PRO-
16	GRAMS.
17	(a) Authorization.—Section 48103 is amended to
18	read as follows:
19	"§ 48103. Airport planning and development and noise
20	compatibility planning and programs
21	"(a) In General.—There shall be available to the Sec-
22	retary of Transportation out of the Airport and Airway
23	Trust Fund established under section 9502 of the Internal
24	Revenue Code of 1986 to make grants for airport planning

- 1 and airport development under section 47104, airport noise
- 2 compatibility planning under section 47505(a)(2), and car-
- 3 rying out noise compatibility programs under section
- 4 47504(c)—
- 5 "(1) \$3,176,000,000 for fiscal year 2011;
- 6 "(2) \$3,000,000,000 for fiscal year 2012;
- 7 "(3) \$3,000,000,000 for fiscal year 2013; and
- 8 "(4) \$3,000,000,000 for fiscal year 2014.
- 9 "(b) Availability of Amounts made
- 10 available under subsection (a) shall remain available until
- 11 expended.
- 12 "(c) Limitation.—Amounts made available under
- 13 subsection (a) may not be used for carrying out the Airport
- 14 Cooperative Research Program or the Airports Technology
- 15 Research Program.".
- 16 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is
- 17 amended by striking "March 31, 2011" and inserting "Sep-
- 18 tember 30, 2014".
- 19 SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.
- 20 (a) Authorization of Appropriations.—Section
- 21 48101(a) is amended by striking paragraphs (1) through
- 22 (6) and inserting the following:
- 23 "(1) \$2,700,000,000 for fiscal year 2011.
- 24 "(2) \$2,600,000,000 for fiscal year 2012.
- 25 "(3) \$2,600,000,000 for fiscal year 2013.

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"(4) $2,600,000,000 for fiscal year 2014.".
 1
 2
         (b) Set-Asides.—Section 48101 is amended—
 3
             (1) by striking subsections (c), (d), (e), (h), and
 4
         (i); and
 5
              (2) by redesignating subsections (f) and (g) as
 6
         subsections (c) and (d), respectively.
    SEC. 103. FAA OPERATIONS.
 8
         (a) In General.—Section 106(k)(1) is amended by
    striking subparagraphs (A) through (F) and inserting the
10
   following:
11
                  "(A) $9,403,000,000 for fiscal year 2011;
12
                  "(B) $9,168,000,000 for fiscal year 2012;
13
                  "(C) $9,168,000,000 for fiscal year 2013;
14
             and
15
                  "(D) $9,168,000,000 for fiscal year 2014.".
16
         (b) AUTHORIZED EXPENDITURES.—Section 106(k)(2)
    is amended—
17
18
             (1) by striking subparagraphs (A), (B), (C), and
19
         (D);
20
              (2) by redesignating subparagraphs (E), (F),
21
         and (G) as subparagraphs (A), (B), and (C), respec-
22
         tively; and
23
             (3) in subparagraphs (A), (B), and (C) (as so re-
24
         designated) by striking "2004 through 2007" and in-
        serting "2011 through 2014".
25
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1	(c) Authority To Transfer Funds.—Section
2	106(k) is amended by adding at the end the following:
3	"(3) Administering program within avail-
4	ABLE FUNDING.—Notwithstanding any other provi-
5	sion of law, in each of fiscal years 2011 through 2014,
6	if the Secretary determines that the funds appro-
7	priated under paragraph (1) are insufficient to meet
8	the salary, operations, and maintenance expenses of
9	the Federal Aviation Administration, as authorized
10	by this section, the Secretary shall reduce nonsafety-
11	related activities of the Administration as necessary
12	to reduce such expenses to a level that can be met by
13	the funding available under paragraph (1).".
14	SEC. 104. FUNDING FOR AVIATION PROGRAMS.
15	(a) Airport and Airway Trust Fund Guar-
16	ANTEE.—Section 48114(a)(1)(A) is amended to read as fol-
17	lows:
18	"(A) In General.—The total budget re-
19	sources made available from the Airport and
20	Airway Trust Fund each fiscal year pursuant to
21	sections 48101, 48102, 48103, and 106(k) shall—
22	"(i) in fiscal year 2011, be equal to 90
23	percent of the estimated level of receipts plus
24	interest credited to the Airport and Airway
25	Trust Fund for that fiscal year; and

1	"(ii) in fiscal year 2012 and each fis-
2	cal year thereafter, be equal to the sum of—
3	"(I) 90 percent of the estimated
4	level of receipts plus interest credited to
5	the Airport and Airway Trust Fund
6	for that fiscal year; and
7	"(II) the actual level of receipts
8	plus interest credited to the Airport
9	and Airway Trust Fund for the second
10	preceding fiscal year minus the total
11	amount made available for obligation
12	from the Airport and Airway Trust
13	Fund for the second preceding fiscal
14	year.
15	Such amounts may be used only for aviation in-
16	vestment programs listed in subsection (b).".
17	(b) Additional Authorizations of Appropria-
18	Tions From the General Fund.—Section 48114(a)(2) is
19	amended by striking "2007" and inserting "2014".
20	(c) Estimated Level of Receipts Plus Interest
21	Defined.—Section 48114(b)(2) is amended—
22	(1) in the paragraph heading by striking
23	"LEVEL" and inserting "ESTIMATED LEVEL": and

1	(2) by striking "level of receipts plus interest"
2	and inserting "estimated level of receipts plus inter-
3	est".
4	(d) Enforcement of Guarantees.—Section
5	48114(c)(2) is amended by striking "2007" and inserting
6	"2014".
7	SEC. 105. DELINEATION OF NEXT GENERATION AIR TRANS-
8	PORTATION SYSTEM PROJECTS.
9	Section 44501(b) is amended—
10	(1) in paragraph (3) by striking "and" after the
11	semicolon;
12	(2) in paragraph (4)(B) by striking "defense."
13	and inserting "defense; and"; and
14	(3) by adding at the end the following:
15	"(5) a list of capital projects that are part of the
16	Next Generation Air Transportation System and
17	funded by amounts appropriated under section
18	48101(a).".
19	SEC. 106. FUNDING FOR ADMINISTRATIVE EXPENSES FOR
20	AIRPORT PROGRAMS.
21	(a) In General.—Section 48105 is amended to read
22	as follows:
23	"§ 48105. Airport programs administrative expenses
24	"(a) In General.—Of the funds made available under
25	section 48103, the following amounts may be available for

- administrative expenses of the Federal Aviation Administration described in subsection (b): 3 "(1) \$85,987,000 for fiscal year 2011. "(2) \$80,676,000 for fiscal year 2012. 4 5 "(3) \$80,676,000 for fiscal year 2013. 6 "(4) \$80,676,000 for fiscal year 2014. 7 "(b) **ELIGIBLE ADMINISTRATIVE** Expenses.— Amounts made available under subsection (a) may be used for administrative expenses relating to the airport improvement program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airportrelated environmental activities (including legal services), and other airport-related activities. 14 15 "(c) Availability of Amounts.—Amounts made available under subsection (a) shall remain available until expended.". 17 18 (b) CLERICAL AMENDMENT.—The analysis for chapter 481 is amended by striking the item relating to section 48105 and inserting the following: 20 "48105. Airport programs administrative expenses.". Subtitle B—Passenger Facility 21 Charges 22 SEC. 111. PASSENGER FACILITY CHARGES.
- 23
- (a) PFC Defined.—Section 40117(a)(5) is amended 24
- to read as follows:

1	"(5) Passenger facility charge.—The term
2	'passenger facility charge' means a charge or fee im-
3	posed under this section.".
4	(b) Pilot Program for PFC Authorizations at
5	Nonhub Airports.—Section 40117(l) is amended—
6	(1) by striking paragraph (7); and
7	(2) by redesignating paragraph (8) as para-
8	graph (7).
9	(c) Correction of References.—
10	(1) Section 40117.—Section 40117 is amend-
11	ed—
12	(A) in the section heading by striking
13	"fees" and inserting "charges";
14	(B) in the heading for subsection (e) by
15	striking "Fees" and inserting "Charges";
16	(C) in the heading for subsection (l) by
17	striking "Fee" and inserting "Charge";
18	(D) in the heading for paragraph (5) of
19	subsection (l) by striking "FEE" and inserting
20	"CHARGE";
21	(E) in the heading for subsection (m) by
22	striking "Fees" and inserting "Charges";
23	(F) in the heading for paragraph (1) of sub-
24	section (m) by striking "FEES" and inserting
25	"CHARGES";

1	(G) by striking "fee" each place it appears
2	(other than the second sentence of subsection
3	(g)(4)) and inserting "charge"; and
4	(H) by striking "fees" each place it appears
5	and inserting "charges".
6	(2) Other references.—Subtitle VII is
7	amended by striking "fee" and inserting "charge"
8	each place it appears in each of the following sections:
9	(A) Section $47106(f)(1)$.
10	(B) Section $47110(e)(5)$.
11	(C) Section 47114(f).
12	(D) Section $47134(g)(1)$.
13	(E) Section 47139(b).
14	(F) Section $47524(e)$.
15	(G) Section $47526(2)$.
16	(3) Clerical amendment.—The analysis for
17	chapter 401 is amended by striking the item relating
18	to section 40117 and inserting the following:
	"40117. Passenger facility charges.".
19	SEC. 112. AIRPORT ACCESS FLEXIBILITY PROGRAM.
20	Section 40117 is amended by adding at the end the
21	following:
22	"(n) Airport Access Flexibility Program.—
23	"(1) PFC Eligibility.—Subject to the require-
24	ments of this subsection, the Secretary shall establish
25	a pilot program under which the Secretary may au-

1	thorize, at no more than 5 airports, a passenger facil-
2	ity charge imposed under subsection $(b)(1)$ or $(b)(4)$
3	to be used to finance the eligible cost of an intermodal
4	ground access project.
5	"(2) Intermodal ground access project de-
6	FINED.—In this subsection, the term 'intermodal
7	ground access project' means a project for con-
8	structing a local facility owned or operated by an eli-
9	gible agency that is directly and substantially related
10	to the movement of passengers or property traveling
11	in air transportation.
12	"(3) Eligible costs.—
13	"(A) In General.—For purposes of para-
14	graph (1), the eligible cost of an intermodal
15	ground access project at an airport shall be the
16	total cost of the project multiplied by the ratio
17	that—
18	"(i) the number of individuals pro-
19	jected to use the project to gain access to or
20	depart from the airport; bears to
21	"(ii) the total number of the individ-
22	uals projected to use the facility.
23	"(B) Determinations regarding pro-
24	JECTED PROJECT USE.—

"(i) In general.—Except as provided 1 2 by clause (ii), the Secretary shall determine 3 the projected use of a project for purposes of subparagraph (A) at the time the project is approved under this subsection. 6 "(ii) Public. TRANSPORTATION 7 PROJECTS.—In the case of a project ap-8 proved under this section to be financed in 9 part using funds administered by the Federal Transit Administration, the Secretary 10 11 shall use the travel forecasting model for the 12 project at the time the project is approved 13 by the Federal Transit Administration to 14 enter preliminary engineering to determine 15 the projected use of the project for purposes 16 of subparagraph (A).". 17 SEC. 113. GAO STUDY OF ALTERNATIVE MEANS OF COL-18 LECTING PFCS. 19 (a) In General.—The Comptroller General shall conduct a study of alternative means of collecting passenger 20 21 facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be 23 collected without being included in the ticket price. In conducting the study, the Comptroller General shall consider, at a minimum—

1	(1) collection options for arriving, connecting,
2	and departing passengers at airports;
3	(2) cost sharing or allocation methods based on
4	passenger travel to address connecting traffic; and

- (3) examples of airport charges collected by do mestic and international airports that are not in cluded in ticket prices.
- 7 cluded in ticket prices.
 8 (b) REPORT.—Not later than one year after the date

of enactment of this Act, the Comptroller General shall sub-

- 10 mit to the Committee on Commerce, Science, and Transpor-
- 11 tation of the Senate and the Committee on Transportation
- 12 and Infrastructure of the House of Representatives a report
- 13 on the study, including the Comptroller General's findings,
- 14 conclusions, and recommendations.

15 SEC. 114. QUALIFICATIONS-BASED SELECTION.

- 16 (a) Qualifications-based Selection Defined.—
- 17 In this section, the term "qualifications-based selection"
- 18 means a competitive procurement process under which
- 19 firms compete for capital improvement projects on the basis
- 20 of qualifications, past experience, and specific expertise.
- 21 (b) Sense of Congress.—It is the sense of Congress
- 22 that airports should consider the use of qualifications-based
- 23 selection in carrying out capital improvement projects
- 24 funded using passenger facility charges collected under sec-

- tion 40117 of title 49, United States Code, with the goal of serving the needs of all stakeholders. Subtitle C—Fees for FAA Services 3 SEC. 121. UPDATE ON OVERFLIGHTS. 5 (a) Establishment and Adjustment of Fees.— 6 Section 45301(b) is amended to read as follows: 7 "(b) Establishment and Adjustment of Fees.— 8 "(1) In General.—In establishing and adjust-9 ing fees under this section, the Administrator shall 10 ensure that the fees are reasonably related to the Ad-11 ministration's costs, as determined by the Adminis-12 trator, of providing the services rendered. 13 "(2) Services for which costs may be re-14 COVERED.—Services for which costs may be recovered 15 under this section include the costs of air traffic con-16 trol, navigation, weather services, training, and emer-17 gency services that are available to facilitate safe 18 transportation over the United States and the costs of 19 other services provided by the Administrator, or by 20 programs financed by the Administrator, to flights 21 that neither take off nor land in the United States. 22 "(3) Limitations on Judicial Review.—Not-
 - "(3) Limitations on Judicial Review.—Notwithstanding section 702 of title 5 or any other provision of law, the following actions and other matters shall not be subject to judicial review:

23

24

25

1	"(A) The establishment or adjustment of a
2	fee by the Administrator under this section.
3	"(B) The validity of a determination of
4	costs by the Administrator under paragraph (1),
5	and the processes and procedures applied by the
6	Administrator when reaching such determina-
7	tion.
8	"(C) An allocation of costs by the Adminis-
9	trator under paragraph (1) to services provided,
10	and the processes and procedures applied by the
11	Administrator when establishing such allocation.
12	"(4) Adjustment of overflight fees.—In
13	accordance with section $106(f)(3)(A)$, the Adminis-
14	trator shall adjust the overflight fees established by
15	subsection (a)(1) by issuing a final rule with respect
16	to the notice of proposed rulemaking published in the
17	Federal Register on September 28, 2010 (75 Fed. Reg.
18	59661).
19	"(5) AIRCRAFT ALTITUDE.—Nothing in this sec-
20	tion shall require the Administrator to take into ac-
21	count aircraft altitude in establishing any fee for air-
22	craft operations in en route or oceanic airspace.
23	"(6) Costs defined.—In this subsection, the
24	term 'costs' includes operation and maintenance costs,
25	leasing costs, and overhead expenses associated with

- the services provided and the facilities and equipment
 used in providing such services.
- 3 "(7) Special rule for fiscal years 2011
- 4 THROUGH 2015.—In each of fiscal years 2011 through
- 5 2015, section 45303(c) shall not apply to any increase
- 6 in fees collected pursuant to a final rule described in
- 7 paragraph (4).".
- 8 (b) Adjustment of Fees.—Section 45301 is amend-
- 9 ed by adding at the end the following:
- 10 "(e) Adjustment of Fees.—In addition to adjust-
- 11 ments under subsection (b), the Administrator may periodi-
- 12 cally adjust the fees established under this section.".
- 13 SEC. 122. REGISTRATION FEES.
- 14 (a) In General.—Chapter 453 is amended by adding
- 15 at the end the following:
- 16 "§45305. Registration, certification, and related fees
- 17 "(a) General Authority and Fees.—Subject to
- 18 subsection (b), the Administrator of the Federal Aviation
- 19 Administration shall establish and collect a fee for each of
- 20 the following services and activities of the Administration
- 21 that does not exceed the estimated costs of the service or
- 22 activity:
- 23 "(1) Registering an aircraft.
- 24 "(2) Reregistering, replacing, or renewing an
- 25 aircraft registration certificate.

1	"(3) Issuing an original dealer's aircraft reg-
2	istration certificate.
3	"(4) Issuing an additional dealer's aircraft reg-
4	istration certificate (other than the original).
5	"(5) Issuing a special registration number.
6	"(6) Issuing a renewal of a special registration
7	number reservation.
8	"(7) Recording a security interest in an aircraft
9	or aircraft part.
10	"(8) Issuing an airman certificate.
11	"(9) Issuing a replacement airman certificate.
12	"(10) Issuing an airman medical certificate.
13	"(11) Providing a legal opinion pertaining to
14	aircraft registration or recordation.
15	"(b) Limitation on Collection.—No fee may be col-
16	lected under this section unless the expenditure of the fee
17	to pay the costs of activities and services for which the fee
18	is imposed is provided for in advance in an appropriations
19	Act.
20	"(c) Fees Credited as Offsetting Collec-
21	TIONS.—
22	"(1) In GENERAL.—Notwithstanding section
23	3302 of title 31, any fee authorized to be collected
24	under this section shall—

1	"(A) be credited as offsetting collections to
2	the account that finances the activities and serv-
3	ices for which the fee is imposed;
4	"(B) be available for expenditure only to
5	pay the costs of activities and services for which
6	the fee is imposed, including all costs associated
7	with collecting the fee; and
8	"(C) remain available until expended.
9	"(2) Continuing appropriations.—The Ad-
10	ministrator may continue to assess, collect, and spend
11	fees established under this section during any period
12	in which the funding for the Federal Aviation Admin-
13	istration is provided under an Act providing con-
14	tinuing appropriations in lieu of the Administra-
15	tion's regular appropriations.
16	"(3) Adjustments.—The Administrator shall
17	adjust a fee established under subsection (a) for a
18	service or activity if the Administrator determines
19	that the actual cost of the service or activity is higher
20	or lower than was indicated by the cost data used to
21	establish such fee.".
22	(b) Clerical Amendment.—The analysis for chapter
23	453 is amended by adding at the end the following:
	"45305. Registration, certification, and related fees.".
24	(c) Fees Involving Aircraft Not Providing Air
25	Transportation.—Section 45302(e) is amended—

1	(1) by striking "A fee" and inserting the fol-
2	lowing:
3	"(1) In general.—A fee"; and
4	(2) by adding at the end the following:
5	"(2) Effect of imposition of other fees.—
6	A fee may not be imposed for a service or activity
7	under this section during any period in which a fee
8	for the same service or activity is imposed under sec-
9	tion 45305.".
10	Subtitle D—Airport Improvement
11	Program Modifications
12	SEC. 131. AIRPORT MASTER PLANS.
13	Section $47101(g)(2)$ is amended—
14	(1) in subparagraph (B) by striking "and" at
15	$the\ end;$
16	(2) by redesignating subparagraph (C) as sub-
17	paragraph (D); and
18	(3) by inserting after subparagraph (B) the fol-
19	lowing:
20	"(C) consider passenger convenience, air-
21	port ground access, and access to airport facili-
22	ties; and".
23	SEC. 132. AEROTROPOLIS TRANSPORTATION SYSTEMS.
24	Section 47101(g) is amended by adding at the end the
25	following:

1	"(4) Aerotropolis transportation sys-
2	TEMS.—Encourage the development of aerotropolis
3	transportation systems, which are planned and co-
4	ordinated multimodal freight and passenger transpor-
5	tation networks that, as determined by the Secretary,
6	provide efficient, cost-effective, sustainable, and inter-
7	modal connectivity to a defined region of economic
8	significance centered around a major airport.".
9	SEC. 133. AIP DEFINITIONS.
10	(a) AIRPORT DEVELOPMENT.—Section 47102(3) is
11	amended—
12	(1) in subparagraph $(B)(iv)$ by striking "20"
13	and inserting "9";
14	(2) in subparagraph (G) by inserting "and in-
15	cluding acquiring glycol recovery vehicles," after "air-
16	craft,"; and
17	(3) by adding at the end the following:
18	"(M) construction of mobile refueler parking
19	within a fuel farm at a nonprimary airport
20	meeting the requirements of section 112.8 of title
21	40, Code of Federal Regulations.
22	"(N) terminal development under section
23	47119(a).
24	"(O) acquiring and installing facilities and
25	equipment to provide air conditioning, heating,

1	or electric power from terminal-based, nonexclu-
2	sive use facilities to aircraft parked at a public
3	use airport for the purpose of reducing energy
4	use or harmful emissions as compared to the pro-
5	vision of such air conditioning, heating, or elec-
6	tric power from aircraft-based systems.".
7	(b) Airport Planning.—Section 47102(5) is amend-
8	ed to read as follows:
9	"(5) 'airport planning' means planning as de-
10	fined by regulations the Secretary prescribes and in-
11	cludes—
12	"(A) integrated airport system planning;
13	"(B) developing an environmental manage-
14	ment system; and
15	"(C) developing a plan for recycling and
16	minimizing the generation of airport solid waste,
17	consistent with applicable State and local recy-
18	cling laws, including the cost of a waste audit.".
19	(c) General Aviation Airport.—Section 47102 is
20	amended—
21	(1) by redesignating paragraphs (23) through
22	(25) as paragraphs (25) through (27), respectively;
23	(2) by redesignating paragraphs (8) through (22)
24	as paragraphs (9) through (23), respectively; and

1	(3) by inserting after paragraph (7) the fol-
2	lowing:
3	"(8) 'general aviation airport' means a public
4	airport that is located in a State and that, as deter-
5	mined by the Secretary—
6	"(A) does not have scheduled service; or
7	"(B) has scheduled service with less than
8	2,500 passenger boardings each year.".
9	(d) Revenue Producing Aeronautical Support
10	FACILITIES.—Section 47102 is amended by inserting after
11	paragraph (23) (as redesignated by subsection (c)(2) of this
12	section) the following:
13	"(24) 'revenue producing aeronautical support
14	facilities' means fuel farms, hangar buildings, self-
15	service credit card aeronautical fueling systems, air-
16	plane wash racks, major rehabilitation of a hangar
17	owned by a sponsor, or other aeronautical support fa-
18	cilities that the Secretary determines will increase the
19	revenue producing ability of the airport.".
20	(e) Terminal Development.—Section 47102 (as
21	amended by subsection (c) of this section) is further amend-
22	ed by adding at the end the following:
23	"(28) 'terminal development' means—
24	"(A) development of—

1	"(i) an airport passenger terminal
2	building, including terminal gates;
3	"(ii) access roads servicing exclusively
4	airport traffic that leads directly to or from
5	an airport passenger terminal building; and
6	"(iii) walkways that lead directly to or
7	from an airport passenger terminal build-
8	ing; and
9	"(B) the cost of a vehicle described in sec-
10	$tion \ 47119(a)(1)(B)$.".
11	SEC. 134. RECYCLING PLANS FOR AIRPORTS.
12	Section 47106(a) is amended—
13	(1) in paragraph (4) by striking "and" at the
14	end;
15	(2) in paragraph (5) by striking "proposed."
16	and inserting "proposed; and"; and
17	(3) by adding at the end the following:
18	"(6) if the project is for an airport that has an
19	airport master plan, the master plan addresses issues
20	relating to solid waste recycling at the airport, in-
21	cluding—
22	"(A) the feasibility of solid waste recycling
23	at the airport;
24	"(B) minimizing the generation of solid
25	waste at the airport;

1	"(C) operation and maintenance require-
2	ments;
3	"(D) the review of waste management con-
4	tracts; and
5	"(E) the potential for cost savings or the
6	generation of revenue.".
7	SEC. 135. CONTENTS OF COMPETITION PLANS.
8	Section $47106(f)(2)$ is amended—
9	(1) by striking "patterns of air service,";
10	(2) by inserting "and" before "whether"; and
11	(3) by striking ", and airfare levels" and all that
12	follows before the period.
13	SEC. 136. GRANT ASSURANCES.
14	(a) General Written Assurances.—Section
15	47107(a)(16)(D)(ii) is amended by inserting before the
16	semicolon at the end the following: ", except in the case of
17	a relocation or replacement of an existing airport facility
18	that meets the conditions of section $47110(d)$ ".
19	(b) Written Assurances on Acquiring Land.—
20	(1) USE OF PROCEEDS.—Section
21	47107(c)(2)(A)(iii) is amended by striking "paid to
22	the Secretary" and all that follows before the semi-
23	colon and inserting "reinvested in another project at
24	the airport or transferred to another airport as the
25	Secretary prescribes under paragraph (4)".

1	(2) Eligible projects.—Section 47107(c) is
2	amended by adding at the end the following:
3	"(4) In approving the reinvestment or transfer of pro-
4	ceeds under paragraph (2)(A)(iii), the Secretary shall give
5	preference, in descending order, to the following actions:
6	"(A) Reinvestment in an approved noise compat-
7	ibility project.
8	"(B) Reinvestment in an approved project that
9	is eligible for funding under section 47117(e).
10	"(C) Reinvestment in an approved airport devel-
11	opment project that is eligible for funding under sec-
12	tion 47114, 47115, or 47117.
13	"(D) Transfer to a sponsor of another public air-
14	port to be reinvested in an approved noise compat-
15	ibility project at such airport.
16	"(E) Payment to the Secretary for deposit in the
17	Airport and Airway Trust Fund.".
18	(c) CLERICAL AMENDMENT.—Section
19	47107(c)(2)(B)(iii) is amended by striking "the Fund" and
20	inserting "the Airport and Airway Trust Fund established
21	under section 9502 of the Internal Revenue Code of 1986".
22	(d) Extension of Competitive Access Reports.—
23	Section 47107(s) is amended by striking paragraph (3).

1	SEC. 137. AGREEMENTS GRANTING THROUGH-THE-FENCE
2	ACCESS TO GENERAL AVIATION AIRPORTS.
3	(a) In General.—Section 47107 is amended by add-
4	ing at the end the following:
5	"(t) Agreements Granting Through-The-Fence
6	Access to General Aviation Airports.—
7	"(1) In general.—Subject to paragraph (2), a
8	sponsor of a general aviation airport shall not be con-
9	sidered to be in violation of this subtitle, or to be in
10	violation of a grant assurance made under this sec-
11	tion or under any other provision of law as a condi-
12	tion for the receipt of Federal financial assistance for
13	airport development, solely because the sponsor enters
14	into an agreement that grants to a person that owns
15	residential real property adjacent to the airport ac-
16	cess to the airfield of the airport for the following:
17	"(A) Aircraft of the person.
18	"(B) Aircraft authorized by the person.
19	"(2) Through-the-fence agreements.—
20	"(A) In general.—An agreement described
21	in paragraph (1) between an airport sponsor
22	and a property owner shall be a written agree-
23	ment that prescribes the rights, responsibilities,
24	charges, duration, and other terms the airport
25	sponsor determines are necessary to establish and

1	manage the airport sponsor's relationship with
2	the property owner.
3	"(B) Terms and conditions.—An agree-
4	ment described in paragraph (1) between an air-
5	port sponsor and a property owner shall require
6	the property owner, at minimum—
7	"(i) to pay airport access charges that,
8	as determined by the airport sponsor, are
9	comparable to those charged to tenants and
10	operators on-airport making similar use of
11	$the \ airport;$
12	"(ii) to bear the cost of building and
13	maintaining the infrastructure that, as de-
14	termined by the airport sponsor, is nec-
15	essary to provide aircraft located on the
16	property adjacent to the airport access to
17	the airfield of the airport;
18	"(iii) to maintain the property for res-
19	idential, noncommercial use for the dura-
20	tion of the agreement; and
21	"(iv) to prohibit access to the airport
22	from other properties through the property
23	of the property owner.".
24	(b) APPLICABILITY.—The amendment made by sub-
25	section (a) shall apply to an agreement between an airport

1	sponsor and a property owner entered into before, on, or
2	after the date of enactment of this Act.
3	SEC. 138. GOVERNMENT SHARE OF PROJECT COSTS.
4	Section 47109 is amended—
5	(1) in subsection (a) by striking "provided in
6	subsection (b) or subsection (c) of this section" and
7	inserting "otherwise provided in this section"; and
8	(2) by adding at the end the following:
9	"(e) Special Rule for Transition From Small
10	Hub to Medium Hub Status.—If the status of a small
11	hub airport changes to a medium hub airport, the Govern-
12	ment's share of allowable project costs for the airport may
13	not exceed 90 percent for the first 2 fiscal years following
14	such change in hub status.
15	"(f) Special Rule for Economically Depressed
16	Communities.—The Government's share of allowable
17	project costs shall be 95 percent for a project at an airport
18	that—
19	"(1) is receiving subsidized air service under
20	subchapter II of chapter 417; and
21	"(2) is located in an area that meets one or more
22	of the criteria established in section 301(a) of the
23	Public Works and Economic Development Act of 1965
24	(42 U.S.C. 3161(a)), as determined by the Secretary
25	of Commerce.".

1 SEC. 139. ALLOWABLE PROJECT COSTS.

2	(a) Allowable Project Costs.—Section
3	47110(b)(2)(D) is amended to read as follows:
4	"(D) if the cost is for airport development and
5	is incurred before execution of the grant agreement,
6	but in the same fiscal year as execution of the grant
7	agreement, and if—
8	"(i) the cost was incurred before execution
9	of the grant agreement due to climactic condi-
10	tions affecting the construction season in the vi-
11	cinity of the airport;
12	"(ii) the cost is in accordance with an air-
13	port layout plan approved by the Secretary and
14	with all statutory and administrative require-
15	ments that would have been applicable to the
16	project if the project had been carried out after
17	execution of the grant agreement, including sub-
18	mission of a complete grant application to the
19	appropriate regional or district office of the Fed-
20	$eral\ A viation\ Administration;$
21	"(iii) the sponsor notifies the Secretary be-
22	fore authorizing work to commence on the
23	project;
24	"(iv) the sponsor has an alternative funding
25	source available to fund the project; and

1	"(v) the sponsor's decision to proceed with
2	the project in advance of execution of the grant
3	agreement does not affect the priority assigned to
4	the project by the Secretary for the allocation of
5	discretionary funds;".
6	(b) Inclusion of Measures To Improve Effi-
7	CIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT
8	Projects.—Section 47110(b) is amended—
9	(1) in paragraph (5) by striking "; and" and in-
10	serting a semicolon;
11	(2) in paragraph (6) by striking the period at
12	the end and inserting "; and"; and
13	(3) by adding at the end the following:
14	"(7) if the cost is incurred on a measure to im-
15	prove the efficiency of an airport building (such as a
16	measure designed to meet one or more of the criteria
17	for being considered a high-performance green build-
18	ing as set forth under section 401(13) of the Energy
19	Independence and Security Act of 2007 (42 U.S.C.
20	17061(13))) and—
21	"(A) the measure is for a project for airport
22	development;
23	"(B) the measure is for an airport building
24	that is otherwise eligible for construction assist-
25	ance under this subchapter: and

1	"(C) if the measure results in an increase
2	in initial project costs, the increase is justified
3	by expected savings over the life cycle of the
4	project.".
5	(c) Relocation of Airport-Owned Facilities.—
6	Section 47110(d) is amended to read as follows:
7	"(d) Relocation of Airport-Owned Facilities.—
8	The Secretary may determine that the costs of relocating
9	or replacing an airport-owned facility are allowable for an
10	airport development project at an airport only if—
11	"(1) the Government's share of such costs will be
12	paid with funds apportioned to the airport sponsor
13	under section $47114(c)(1)$ or $47114(d)$;
14	"(2) the Secretary determines that the relocation
15	or replacement is required due to a change in the Sec-
16	retary's design standards; and
17	"(3) the Secretary determines that the change is
18	beyond the control of the airport sponsor.".
19	(d) Nonprimary Airports.—Section 47110(h) is
20	amended—
21	(1) by inserting "construction" before "costs of
22	revenue producing"; and
23	(2) by striking ", including fuel farms and hang-
24	ars,".

1 SEC. 140. VETERANS' PREFERENCE.

2	Section 47112(c) is amended—
3	(1) in paragraph (1)—
4	(A) in subparagraph (B) by striking "sepa-
5	rated from" and inserting "discharged or re-
6	leased from active duty in"; and
7	(B) by adding at the end the following:
8	"(C) 'Afghanistan-Iraq war veteran' means an
9	individual who served on active duty (as defined in
10	section 101 of title 38) in the Armed Forces in sup-
11	port of Operation Enduring Freedom, Operation
12	Iraqi Freedom, or Operation New Dawn for more
13	than 180 consecutive days, any part of which oc-
14	curred after September 11, 2001, and before the date
15	prescribed by presidential proclamation or by law as
16	the last day of Operation Enduring Freedom, Oper-
17	ation Iraqi Freedom, or Operation New Dawn
18	(whichever is later), and who was discharged or re-
19	leased from active duty in the armed forces under
20	$honorable\ conditions.$
21	"(D) 'Persian Gulf veteran' means an individual
22	who served on active duty in the Armed Forces in the
23	Southwest Asia theater of operations during the Per-
24	sian Gulf War for more than 180 consecutive days,
25	any part of which occurred after August 2, 1990, and
26	before the date prescribed by presidential proclama-

- 1 tion or by law, and who was discharged or released 2 from active duty in the armed forces under honorable conditions."; and 3 (2) in paragraph (2) by striking "Vietnam-era 5 veterans and disabled veterans" and inserting "Viet-6 nam-era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small 7 8 business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled 9 10 by disabled veterans". SEC. 141. STANDARDIZING CERTIFICATION OF DISADVAN-12 TAGED BUSINESS ENTERPRISES. 13 Section 47113 is amended by adding at the end the 14 following:
- 15 "(e) Mandatory Training Program.—
- 16 "(1) In general.—Not later than one year after 17 the date of enactment of this subsection, the Secretary 18 shall establish a mandatory training program for 19 persons described in paragraph (3) to provide stream-20 lined training on certifying whether a small business 21 concern qualifies as a small business concern owned 22 and controlled by socially and economically disadvan-23 taged individuals under this section and section 47107(e). 24

1	"(2) Implementation.—The training program
2	may be implemented by one or more private entities
3	approved by the Secretary.
4	"(3) Participants.—A person referred to in
5	paragraph (1) is an official or agent of an airport
6	sponsor—
7	"(A) who is required to provide a written
8	assurance under this section or section 47107(e)
9	that the airport owner or operator will meet the
10	percentage goal of subsection (b) of this section
11	or section 47107(e)(1), as the case may be; or
12	"(B) who is responsible for determining
13	whether or not a small business concern qualifies
14	as a small business concern owned and controlled
15	by socially and economically disadvantaged in-
16	dividuals under this section or section
17	47107(e).".
18	SEC. 142. SPECIAL APPORTIONMENT RULES.
19	(a) Eligibility To Receive Primary Airport Min-
20	IMUM APPORTIONMENT AMOUNT.—Section 47114(d) is
21	amended by adding at the end the following:
22	"(7) Eligibility to receive primary airport
23	MINIMUM APPORTIONMENT AMOUNT.—Notwith-
24	standing any other provision of this subsection, the
25	Secretary may apportion to an airport sponsor in a

1	fiscal year an amount equal to the minimum appor-
2	tionment available under subsection $(c)(1)(B)$ if the
3	Secretary finds that the airport—
4	"(A) received scheduled or unscheduled air
5	service from a large certificated air carrier (as
6	defined in part 241 of title 14, Code of Federal
7	Regulations, or such other regulations as may be
8	issued by the Secretary under the authority of
9	section 41709) in the calendar year used to cal-
10	culate the apportionment; and
11	"(B) had more than 10,000 passenger
12	boardings in the calendar year used to calculate
13	the apportionment.".
14	(b) Special Rule for Fiscal Years 2011 and
15	2012.—Section 47114(c)(1) is amended—
16	(1) by striking subparagraphs (F) and (G); and
17	(2) by inserting after subparagraph (E) the fol-
18	lowing:
19	"(F) Special rule for fiscal years 2011
20	AND 2012.—Notwithstanding subparagraph (A),
21	for an airport that had more than 10,000 pas-
22	senger boardings and scheduled passenger air-
23	craft service in calendar year 2007, but in either
24	calendar year 2009 or 2010, or in both years, the
25	number of passenger boardings decreased to a

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1
             level below 10,000 boardings per year at such
 2
             airport, the Secretary may apportion in each of
 3
             fiscal years 2011 and 2012 to the sponsor of such
 4
             airport an amount equal to the amount appor-
 5
             tioned to that sponsor in fiscal year 2009.".
 6
    SEC. 143. APPORTIONMENTS.
        Chapter 471 is amended by striking "$3,200,000,000"
 7
    and inserting "$3,000,000,000" in each of the following sec-
 9
   tions:
10
             (1) 47114(c)(1)(C).
11
             (2) 47114(c)(2)(C).
12
             (3) 47114(d)(3).
13
             (4) 47114(e)(4).
14
             (5) 47117(e)(1)(C).
15
    SEC. 144. MARSHALL ISLANDS, MICRONESIA, AND PALAU.
16
        Section 47115(j) is amended by striking "fiscal years"
    2004 through 2010, and for the portion of fiscal year 2011
    ending before April 1, 2011," and inserting "fiscal years
18
   2010 through 2014,".
19
    SEC. 145. DESIGNATING CURRENT AND FORMER MILITARY
21
                 AIRPORTS.
22
        (a) Considerations.—Section 47118(c) is amend-
23
   ed—
24
             (1) in paragraph (1) by striking "or" after the
25
        semicolon;
```

1	(2) in paragraph (2) by striking "delays." and
2	inserting "delays; or"; and
3	(3) by adding at the end the following:
4	"(3) preserve or enhance minimum airfield in-
5	frastructure facilities at former military airports to
6	support emergency diversionary operations for trans-
7	oceanic flights in locations—
8	"(A) within United States jurisdiction or
9	control; and
10	"(B) where there is a demonstrable lack of
11	diversionary airports within the distance or
12	flight-time required by regulations governing
13	transoceanic flights.".
14	(b) Designation of General Aviation Airports.—
15	Section 47118(g) is amended—
16	(1) in the subsection heading by striking "AIR-
17	PORT" and inserting "AIRPORTS"; and
18	(2) by striking "one of the airports bearing a
19	designation under subsection (a) may be a general
20	aviation airport that was a former military installa-
21	tion" and inserting "3 of the airports bearing des-
22	ignations under subsection (a) may be general avia-
23	tion airports that were former military installations".
24	(c) Safety-Critical Airports.—Section 47118 is
25	amended by adding at the end the following:

1	"(h) Safety-Critical Airports.—Notwithstanding
2	any other provision of this chapter, a grant under section
3	47117(e)(1)(B) may be made for a federally owned airport
4	designated under subsection (a) if the grant is for a project
5	that is—
6	"(1) to preserve or enhance minimum airfield
7	$infrastructure\ facilities\ described\ in\ subsection\ (c)(3);$
8	and
9	"(2) necessary to meet the minimum safety and
10	emergency operational requirements established under
11	part 139 of title 14, Code of Federal Regulations.".
12	SEC. 146. CONTRACT TOWER PROGRAM.
13	(a) Cost-Benefit Requirement.—Section 47124(b)
14	is amended—
15	(1) by striking paragraph (1) and inserting the
16	following:
17	"(1) Contract tower program.—
18	"(A) Continuation and extension.—The
19	Secretary shall continue the low activity (Visual
20	Flight Rules) Level I air traffic control tower
21	contract program established under subsection
22	(a) for towers existing on December 30, 1987,
23	and shall extend the program to other low activ-
24	ity air traffic control towers for which a quali-
25	fied entity (as determined by the Secretary), a

State, or a subdivision of the State meeting the requirements set forth by the Secretary has requested to participate in the program.

- "(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit-to-cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.
- "(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program established under paragraph (3)."; and
- 21 (2) by striking "(2) The Secretary" and insert-22 ing the following:
- "(2) General authority.—The Secretary".
- 24 (b) Costs Exceeding Benefits.—Section

47124(b)(3)(D) is amended—

1	(1) by striking "If the costs" and inserting the
2	following:
3	"(i) Cost sharing.—If the costs"; and
4	(2) by adding at the end the following:
5	"(ii) Maximum local cost share.—
6	The maximum allowable local cost share al-
7	located under clause (i) for an airport cer-
8	tified under part 139 of title 14, Code of
9	Federal Regulations, with fewer than 50,000
10	annual passenger enplanements shall be
11	capped at 20 percent of the cost of operating
12	an air traffic tower under the program.
13	"(iii) Sunset.—Clause (ii) shall not
14	be in effect after September 30, 2014.".
15	(c) Funding; Use of Excess Funds.—Section
16	47124(b)(3) is amended by striking subparagraph (E) and
17	inserting the following:
18	"(E) Funding.—Of the amounts appro-
19	priated pursuant to section 106(k)(1), not more
20	than \$8,500,000 for each of fiscal years 2011
21	through 2014 may be used to carry out this
22	paragraph.
23	"(F) Use of excess funds.—If the Sec-
24	retary finds that all or part of an amount made
25	available under this paragraph is not required

1	during a fiscal year, the Secretary may use, dur-
2	ing such fiscal year, the amount not so required
3	to carry out the program continued under para-
4	graph (1).".
5	(d) Federal Share.—Section $47124(b)(4)(C)$ is
6	amended by striking "\$1,500,000" and inserting
7	<i>"\$2,000,000"</i> .
8	(e) Safety Audits.—Section 47124 is amended by
9	adding at the end the following:
10	"(c) Safety Audits.—The Secretary shall establish
11	uniform standards and requirements for regular safety as-
12	sessments of air traffic control towers that receive funding
13	under this section.".
14	SEC. 147. RESOLUTION OF DISPUTES CONCERNING AIR-
15	PORT FEES.
16	(a) In General.—Section 47129 is amended—
17	(1) by striking the section heading and inserting
18	$the\ following:$
19	"§ 47129. Resolution of disputes concerning airport
20	fees";
21	(2) by inserting "AND FOREIGN AIR CARRIER"
22	after "CARRIER" in the heading for subsection (d);
23	(3) by inserting "AND FOREIGN AIR CARRIER"

1	(4) by striking "air carrier" each place it ap-
2	pears and inserting "air carrier or foreign air car-
3	rier";
4	(5) by striking "air carrier's" each place it ap-
5	pears and inserting "air carrier's or foreign air car-
6	rier's";
7	(6) by striking "air carriers" and inserting "air
8	carriers or foreign air carriers"; and
9	(7) by striking "(as defined in section 40102 of
10	this title)" in subsection (a) and inserting "(as those
11	terms are defined in section 40102)".
12	(b) Conforming Amendment.—The analysis for
13	chapter 471 is amended by striking the item relating to sec-
14	tion 47129 and inserting the following:
	"47129. Resolution of disputes concerning airport fees.".
15	SEC. 148. SALE OF PRIVATE AIRPORTS TO PUBLIC SPON-
16	SORS.
17	(a) In General.—Section 47133(b) is amended—
18	(1) by striking "Subsection (a) shall not apply
19	if' and inserting the following:
20	"(1) Prior laws and agreements.—Sub-
21	section (a) shall not apply if"; and
22	(2) by adding at the end the following:
23	"(2) Sale of private airport to public
24	SPONSOR.—In the case of a privately owned airport,

1	subsection (a) shall not apply to the proceeds from the
2	sale of the airport to a public sponsor if—
3	"(A) the sale is approved by the Secretary;
4	"(B) funding is provided under this sub-
5	chapter for any portion of the public sponsor's
6	acquisition of airport land; and
7	"(C) an amount equal to the remaining
8	unamortized portion of any airport improvement
9	grant made to that airport for purposes other
10	than land acquisition, amortized over a 20-year
11	period, plus an amount equal to the Federal
12	share of the current fair market value of any
13	land acquired with an airport improvement
14	grant made to that airport on or after October
15	1, 1996, is repaid to the Secretary by the private
16	owner.
17	"(3) Treatment of repayments.—Repayments
18	referred to in paragraph (2)(C) shall be treated as a
19	recovery of prior year obligations.".
20	(b) Applicability to Grants.—The amendments
21	made by subsection (a) shall apply to grants issued on or
22	after October 1, 1996.

1	SEC. 149. REPEAL OF CERTAIN LIMITATIONS ON METRO-
2	POLITAN WASHINGTON AIRPORTS AUTHOR-
3	ITY.
4	Section 49108, and the item relating to section 49108
5	in the analysis for chapter 491, are repealed.
6	SEC. 150. MIDWAY ISLAND AIRPORT.
7	Section 186(d) of the Vision 100—Century of Aviation
8	Reauthorization Act (117 Stat. 2518) is amended by strik-
9	ing "October 1, 2010, and for the portion of fiscal year 2011
10	ending before April 1, 2011," and inserting "October 1,
11	2014,".
12	SEC. 151. MISCELLANEOUS AMENDMENTS.
13	(a) Technical Changes to National Plan of In-
14	TEGRATED AIRPORT Systems.—Section 47103 is amend-
15	ed—
16	(1) in subsection (a)—
17	(A) by striking "each airport to—" and in-
18	serting "the airport system to—";
19	(B) in paragraph (1) by striking "system
20	in the particular area;" and inserting "system,
21	including connection to the surface transpor-
22	tation network; and";
23	(C) in paragraph (2) by striking "; and"
24	and inserting a period; and
25	(D) by striking paragraph (3);
26	(2) in subsection (b)—

1	(A) in paragraph (1) by striking the semi-
2	colon and inserting "; and";
3	(B) by striking paragraph (2) and redesig-
4	nating paragraph (3) as paragraph (2); and
5	(C) in paragraph (2) (as so redesignated)
6	by striking ", Short Takeoff and Landing/Very
7	Short Takeoff and Landing aircraft operations,";
8	and
9	(3) in subsection (d) by striking "status of the".
10	(b) Consolidation of Terminal Development
11	Provisions.—Section 47119 is amended—
12	(1) by redesignating subsections (a), (b), (c), and
13	(d) as subsections (b), (c), (d), and (e), respectively;
14	(2) by inserting before subsection (b) (as so re-
15	designated) the following:
16	"(a) Terminal Development Projects.—
17	"(1) In general.—The Secretary of Transpor-
18	tation may approve a project for terminal develop-
19	ment (including multimodal terminal development)
20	in a nonrevenue-producing public-use area of a com-
21	mercial service airport—
22	"(A) if the sponsor certifies that the airport,
23	on the date the grant application is submitted to
24	the Secretary, has—

1	"(i) all the safety equipment required
2	for certification of the airport under section
3	44706;
4	"(ii) all the security equipment re-
5	quired by regulation; and
6	"(iii) provided for access by passengers
7	to the area of the airport for boarding or
8	exiting aircraft that are not air carrier air-
9	craft;
10	"(B) if the cost is directly related to moving
11	passengers and baggage in air commerce within
12	the airport, including vehicles for moving pas-
13	sengers between terminal facilities and between
14	terminal facilities and aircraft; and
15	"(C) under terms necessary to protect the
16	interests of the Government.
17	"(2) Project in revenue-producing areas
18	AND NONREVENUE-PRODUCING PARKING LOTS.—In
19	making a decision under paragraph (1), the Secretary
20	may approve as allowable costs the expenses of ter-
21	minal development in a revenue-producing area and
22	construction, reconstruction, repair, and improvement
23	in a nonrevenue-producing parking lot if—
24	"(A) except as provided in section
25	47108(e)(3), the airport does not have more than

1	.05 percent of the total annual passenger
2	boardings in the United States; and
3	"(B) the sponsor certifies that any needed
4	airport development project affecting safety, secu-
5	rity, or capacity will not be deferred because of
6	the Secretary's approval.";
7	(3) in subsection $(b)(4)(B)$ (as redesignated by
8	paragraph (1) of this subsection) by striking "Sec-
9	retary of Transportation" and inserting "Secretary";
10	(4) in subsections (b)(3) and (b)(4)(A) (as redes-
11	ignated by paragraph (1) of this subsection) by strik-
12	ing "section 47110(d)" and inserting "subsection
13	(a)";
14	(5) in subsection (b)(5) (as redesignated by para-
15	graph (1) of this subsection) by striking "subsection
16	(b)(1) and (2)" and inserting "subsections (c)(1) and
17	(c)(2)";
18	(6) in subsections $(c)(2)(A)$, $(c)(3)$, and $(c)(4)$ (as
19	redesignated by paragraph (1) of this subsection) by
20	striking "section 47110(d) of this title" and inserting
21	"subsection (a)";
22	(7) in subsection $(c)(2)(B)$ (as redesignated by
23	paragraph (1) of this subsection) by striking "section
24	47110(d)" and inserting "subsection (a)":

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1
             (8) in subsection (c)(5) (as redesignated by para-
 2
        graph (1) of this subsection) by striking "section
 3
        47110(d)" and inserting "subsection (a)"; and
 4
             (9) by adding at the end the following:
 5
         "(f) Limitation on Discretionary Funds.—The
    Secretary may distribute not more than $20,000,000 from
    the discretionary fund established under section 47115 for
 8
    terminal development projects at a nonhub airport or a
    small hub airport that is eligible to receive discretionary
   funds under section 47108(e)(3).".
        (c) Annual Report.—Section 47131(a) is amended—
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12
             (1) by striking "April 1" and inserting "June
13
        1": and
14
             (2) by striking paragraphs (1), (2), (3), and (4)
15
        and inserting the following:
             "(1) a summary of airport development and
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17
        planning completed;
18
             "(2) a summary of individual grants issued;
             "(3) an accounting of discretionary and appor-
19
20
        tioned funds allocated;
21
             "(4) the allocation of appropriations; and".
22
        (d) Correction to Emission Credits Provision.—
23
    Section 47139 is amended—
24
             (1) in subsection (a) by striking "47102(3)(F),";
25
        and
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1
             (2) in subsection (b)—
 2
                 (A) by striking "47102(3)(F),"; and
 3
                 (B) by striking "47103(3)(F),".
        (e) Conforming Amendment to Civil Penalty As-
 4
   SESSMENT AUTHORITY.—Section 46301(d)(2) is amended
   by inserting "46319," after "46318,".
 6
 7
        (f) Other Conforming Amendments.—
 8
             (1) Section 40117(a)(3)(B) is amended by strik-
 9
        ing "section 47110(d)" and inserting
        47119(a)".
10
11
             (2) Section 47108(e)(3) is amended—
12
                 (A) by striking "section 47110(d)(2)" and
             inserting "section 47119(a)"; and
13
14
                 (B) by striking "section 47110(d)" and in-
15
             serting "section 47119(a)".
        (g) Correction to Surplus Property Author-
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   ITY.—Section 47151(e) is amended by striking "(other than
   real property" and all that follows through "(10 U.S.C.
18
   2687 note))".
19
20
        (h) DEFINITIONS.—
21
             (1) Congested Airport.—Section 47175(2) is
22
        amended by striking "2001" and inserting "2004 or
23
        any successor report".
                 Joint use airport.—Section 47175 is
24
25
        amended by adding at the end the following:
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1	"(7) Joint use Airport.—The term joint use
2	airport' means an airport owned by the Department
3	of Defense, at which both military and civilian air-
4	craft make shared use of the airfield.".
5	SEC. 152. EXTENSION OF GRANT AUTHORITY FOR COMPAT-
6	IBLE LAND USE PLANNING AND PROJECTS BY
7	STATE AND LOCAL GOVERNMENTS.
8	Section 47141(f) is amended by striking "March 31,
9	2011" and inserting "September 30, 2014".
10	SEC. 153. PRIORITY REVIEW OF CONSTRUCTION PROJECTS
11	IN COLD WEATHER STATES.
12	The Administrator of the Federal Aviation Adminis-
13	tration, to the extent practicable, shall schedule the Admin-
14	istrator's review of construction projects so that projects to
15	be carried out in States in which the weather during a typ-
16	ical calendar year prevents major construction projects
17	from being carried out before May 1 are reviewed as early
18	as possible.
19	SEC. 154. STUDY ON NATIONAL PLAN OF INTEGRATED AIR-
20	PORT SYSTEMS.
21	(a) In General.—Not later than 90 days after the
22	date of enactment of this Act, the Secretary of Transpor-
23	tation shall begin a study to evaluate the formulation of
24	the national plan of integrated airport systems (in this sec-

- 1 tion referred to as the "plan") under section 47103 of title
- 2 49, United States Code.
- 3 (b) Contents of Study.—The study shall include a
- 4 review of the following:

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- 5 (1) The criteria used for including airports in 6 the plan and the application of such criteria in the 7 most recently published version of the plan.
 - (2) The changes in airport capital needs as shown in the 2005–2009 and 2007–2011 plans, compared with the amounts apportioned or otherwise made available to individual airports between 2005 and 2010.
 - (3) A comparison of the amounts received by airports under the airport improvement program in airport apportionments, State apportionments, and discretionary grants during such fiscal years with capital needs as reported in the plan.
 - (4) The effect of transfers of airport apportionments under title 49, United States Code.
 - (5) An analysis on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as

- the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year.
 - (6) A documentation and review of the methods used by airports to reach the 10,000 passenger enplanement threshold, including whether such airports subsidize commercial flights to reach such threshold, at every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent calendar years for which such data is available.
 - (7) Any other matters pertaining to the plan that the Secretary determines appropriate.

(c) Report to Congress.—

- (1) SUBMISSION.—Not later than 36 months after the date that the Secretary begins the study under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.
- 23 (2) Contents.—The report shall include—
- 24 (A) the findings of the Secretary on each of 25 the issues described in subsection (b);

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1	(B) recommendations for any changes to
2	policies and procedures for formulating the plan;
3	and
4	(C) recommendations for any changes to the
5	methods of determining the amounts to be appor-
6	tioned or otherwise made available to individual
7	airports.
8	SEC. 155. TRANSFERS OF TERMINAL AREA AIR NAVIGATION
9	EQUIPMENT TO AIRPORT SPONSORS.
10	(a) In General.—Chapter 445 is amended by adding
11	at the end the following:
12	"§ 44518. Transfers of terminal area air navigation
13	equipment to airport sponsors
14	"(a) In General.—Subject to the requirements of this
15	section, the Administrator of the Federal Aviation Adminis-
16	trator may carry out a pilot program under which the Ad-
17	ministrator may transfer ownership, operating, and main-
18	tenance responsibilities for terminal area air navigation
19	equipment at an airport to the airport sponsor.
20	"(b) Participation.—The Administrator may select
21	the sponsors of not more than 3 nonhub airports, 3 small
22	hub airports, 3 medium hub airports, and 1 large hub air-
23	port to participate in the pilot program.
24	"(c) Terms and Conditions of Transfer for Air-
25	PORT SPONSORS.—As a condition of participating in the

- 1 pilot program, the airport sponsor shall provide assurances
- 2 satisfactory to the Administrator that the sponsor will—
- 3 "(1) operate and maintain the terminal area air
- 4 navigation equipment transferred to the sponsor
- 5 under this section in accordance with standards to be
- 6 established by the Administrator;
- 7 "(2) permit the Administrator (or a person des-
- 8 ignated by the Administrator) to conduct inspections
- 9 of such terminal area air navigation equipment
- 10 under a schedule established by the Administrator;
- 11 and
- 12 "(3) acquire and maintain new terminal area
- air navigation equipment at the airport as needed to
- 14 replace equipment at the end of its useful life or to
- meet new standards established by the Administrator.
- 16 "(d) Terms and Conditions of Transfer for Ad-
- 17 MINISTRATOR.—When the Administrator approves an air-
- 18 port sponsor's participation in the pilot program, the Ad-
- 19 ministrator shall transfer, at no cost to the sponsor, all
- 20 rights, title, and interests of the United States in and to
- 21 the terminal area air navigation equipment to be trans-
- 22 ferred to the sponsor under the program, including the real
- 23 property on which the equipment is located.
- 24 "(e) Treatment of Airport Costs.—Any costs in-
- 25 curred by an airport sponsor for ownership and mainte-

- 1 nance of terminal area air navigation equipment trans-
- 2 ferred under this section shall be considered a cost of pro-
- 3 viding airfield facilities and services under standards and
- 4 guidelines issued by the Secretary of Transportation under
- 5 section 47129(b)(2) and may be recovered in rates and
- 6 charges assessed for use of the airport's airfield.
- 7 "(f) Definitions.—In this section, the following defi-
- 8 nitions apply:
- 9 "(1) Sponsor.—The term 'sponsor' has the
- 10 meaning given that term in section 47102.
- 11 "(2) TERMINAL AREA AIR NAVIGATION EQUIP-
- 12 Ment.—The term 'terminal area air navigation
- 13 equipment' means an air navigation facility as de-
- 14 fined in section 40102 that exists to provide approach
- and landing guidance to aircraft, but does not include
- buildings used for air traffic control functions.
- 17 "(g) Guidelines.—The Administrator shall issue
- 18 guidelines on the implementation of the program.".
- 19 (b) Clerical Amendment.—The analysis for chapter
- 20 445 is amended by adding at the end the following:
 - "44518. Transfers of terminal area air navigation equipment to airport sponsors.".
- 21 SEC. 156. AIRPORT PRIVATIZATION PROGRAM.
- 22 (a) APPROVAL OF APPLICATIONS.—Section 47134(b) is
- 23 amended—

1	(1) in the matter preceding paragraph (1) by
2	striking "5 airports" and inserting "10 airports";
3	and
4	(2) paragraph (1)—
5	(A) by striking subparagraph (A) and in-
6	serting the following:
7	"(A) In General.—The Secretary may
8	grant an exemption to an airport sponsor from
9	the requirements of sections 47107(b) and 47133
10	(and any other law, regulation, or grant assur-
11	ance) to the extent necessary to permit the spon-
12	sor to recover from the sale or lease of the airport
13	such amount as may be approved by the Sec-
14	retary after the sponsor has consulted—
15	"(i) in the case of a primary airport,
16	with each air carrier and foreign air car-
17	rier serving the airport, as determined by
18	the Secretary; and
19	"(ii) in the case of a nonprimary air-
20	port, with at least 65 percent of the owners
21	of aircraft based at that airport, as deter-
22	mined by the Secretary."; and
23	(B) by striking subparagraph (C).
24	(b) Terms and Conditions.—Section 47134(c) is
25	amended—

1	(1) by striking paragraphs (4), (5), and (9);
2	(2) by redesignating paragraphs (6), (7), and (8)
3	as paragraphs (4), (5), and (6), respectively; and
4	(3) by adding at the end the following:
5	"(7) A fee imposed by the airport on an air car-
6	rier or foreign air carrier may not include any por-
7	tion for a return on investment or recovery of prin-
8	cipal with respect to consideration paid to a public
9	agency for the lease or sale of the airport unless that
10	portion of the fee is approved by the air carrier or
11	foreign air carrier.".
12	(c) Participation of Certain Airports.—Section
13	47134 is amended—
14	(1) by striking subsection (d); and
15	(2) by redesignating subsections (e) through (m)
16	as subsections (d) through (l), respectively.
17	(d) Applicability.—The amendments made by this
18	section shall apply with respect to an exemption issued to
19	an airport under section 47134 of title 49, United States
20	Code, before, on, or after the date of enactment of this Act.

1	TITLE II—NEXTGEN AIR TRANS-
2	PORTATION SYSTEM AND AIR
3	TRAFFIC CONTROL MOD-
4	ERNIZATION
5	SEC. 201. DEFINITIONS.
6	In this title, the following definitions apply:
7	(1) Nextgen.—The term "NextGen" means the
8	Next Generation Air Transportation System.
9	(2) ADS-B.—The term "ADS-B" means auto-
10	$matic\ dependent\ surveillance\text{-}broadcast.$
11	(3) ADS-B OUT.—The term "ADS-B Out"
12	means automatic dependent surveillance-broadcast
13	with the ability to transmit information from the air-
14	craft to ground stations and to other equipped air-
15	craft.
16	(4) ADS-B In.—The term "ADS-B In" means
17	automatic dependent surveillance-broadcast with the
18	ability to transmit information from the aircraft to
19	ground stations and to other equipped aircraft as well
20	as the ability of the aircraft to receive information
21	from other transmitting aircraft and the ground in-
22	frastructure.
23	(5) RNAV.—The term "RNAV" means area
24	navigation.

1	(6) RNP.—The term "RNP" means required
2	navigation performance.
3	SEC. 202. NEXTGEN DEMONSTRATIONS AND CONCEPTS.
4	In allocating amounts appropriated pursuant to sec-
5	tion 48101(a) of title 49, United States Code, the Secretary
6	of Transportation shall give priority to the following
7	NextGen activities:
8	(1) NextGen demonstrations and infrastructure.
9	(2) NextGen trajectory-based operations.
10	(3) NextGen reduced weather impact.
11	(4) NextGen high-density arrivals/departures.
12	(5) NextGen collaborative air traffic manage-
13	ment.
14	(6) NextGen flexible terminals and airports.
15	(7) NextGen safety, security, and environmental
16	reviews.
17	(8) NextGen networked facilities.
18	(9) The Center for Advanced Aviation System
19	Development.
20	(10) NextGen system development.
21	(11) Data communications system implementa-
22	tion.
23	(12) ADS-B infrastructure deployment and
24	$operational\ implementation.$
25	(13) Systemwide information management.

1	(14) NextGen facility consolidation and realign-
2	ment.
3	(15) En route automation modernization.
4	(16) National airspace system voice switch.
5	(17) NextGen network enabled weather.
6	SEC. 203. CLARIFICATION OF AUTHORITY TO ENTER INTO
7	REIMBURSABLE AGREEMENTS.
8	Section 106(m) is amended in the last sentence by in-
9	serting "with or" before "without reimbursement".
10	SEC. 204. CHIEF NEXTGEN OFFICER.
11	Section 106 is amended by adding at the end the fol-
12	lowing:
13	"(s) Chief NextGen Officer.—
14	"(1) In general.—
15	"(A) Appointment.—There shall be a Chief
16	NextGen Officer appointed by the Administrator.
17	The Chief NextGen Officer shall report directly
18	to the Administrator and shall be subject to the
19	authority of the Administrator.
20	"(B) Qualifications.—The Chief NextGen
21	Officer shall have a demonstrated ability in
22	management and knowledge of or experience in
23	aviation and systems engineering.
24	"(C) TERM.—The Chief NextGen Officer
25	shall be appointed for a term of 5 years.

"(D) Removal.—The Chief NextGen Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the implementation of NextGen.

"(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief NextGen Officer occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

"(2) Compensation.—

"(A) IN GENERAL.—The Chief NextGen Officer shall be paid at an annual rate of basic pay to be determined by the Administrator. The annual rate may not exceed the annual compensation paid under section 102 of title 3. The Chief NextGen Officer shall be subject to the postemployment provisions of section 207 of title 18 as if the position of Chief NextGen Officer were described in section 207(c)(2)(A)(i) of that title.

"(B) Bonus.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief NextGen Officer may receive a

bonus for any calendar year not to exceed 30

percent of the annual rate of basic pay, based

upon the Administrator's evaluation of the Chief

NextGen Officer's performance in relation to the

performance goals set forth in the performance

agreement described in paragraph (3).

- "(3) Annual Performance agreement.—The Administrator and the Chief NextGen Officer, in consultation with the Federal Aviation Management Advisory Council, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief NextGen Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.
- "(4) Annual Performance Report.—The Chief NextGen Officer shall prepare and transmit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Science and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an annual management report containing such information as may be prescribed by the Secretary.

1	"(5) Responsibilities of
2	the Chief NextGen Officer include the following:
3	"(A) Implementing NextGen activities and
4	budgets across all program offices of the Federal
5	$A viation\ Administration.$
6	"(B) Coordinating the implementation of
7	NextGen activities with the Office of Manage-
8	ment and Budget.
9	"(C) Reviewing and providing advice on the
10	Administration's modernization programs, budg-
11	et, and cost accounting system with respect to
12	NextGen.
13	"(D) With respect to the budget of the Ad-
14	ministration—
15	"(i) developing a budget request of the
16	Administration related to the implementa-
17	$tion\ of\ NextGen;$
18	"(ii) submitting such budget request to
19	the Administrator; and
20	"(iii) ensuring that the budget request
21	supports the annual and long-range stra-
22	tegic plans of the Administration with re-
23	spect to NextGen.

1	"(E) Consulting with the Administrator on
2	the Capital Investment Plan of the Administra-
3	tion prior to its submission to Congress.
4	"(F) Developing an annual NextGen imple-
5	mentation plan.
6	"(G) Ensuring that NextGen implementa-
7	tion activities are planned in such a manner as
8	to require that system architecture is designed to
9	allow for the incorporation of novel and cur-
10	rently unknown technologies into NextGen in the
11	future and that current decisions do not bias fu-
12	ture decisions unfairly in favor of existing tech-
13	nology at the expense of innovation.
14	"(H) Coordinating with the NextGen Joint
15	Planning and Development Office with respect to
16	facilitating cooperation among all Federal agen-
17	cies whose operations and interests are affected
18	by the implementation of NextGen.
19	"(6) Exception.—If the Administrator appoints
20	as the Chief NextGen Officer, pursuant to paragraph
21	(1)(A), an Executive Schedule employee covered by
22	section 5315 of title 5, then paragraphs (1)(B),
23	(1)(C), (2), and (3) of this subsection shall not apply

to such employee.

1	"(7) Nextgen defined.—For purposes of this
2	subsection, the term 'NextGen' means the Next Gen-
3	eration Air Transportation System.".
4	SEC. 205. DEFINITION OF AIR NAVIGATION FACILITY.
5	Section 40102(a)(4) is amended—
6	(1) by redesignating subparagraph (D) as sub-
7	paragraph(E);
8	(2) by striking subparagraphs (B) and (C) and
9	inserting the following:
10	"(B) runway lighting and airport surface
11	visual and other navigation aids;
12	"(C) apparatus, equipment, software, or
13	service for distributing aeronautical and mete-
14	orological information to air traffic control fa-
15	cilities or aircraft;
16	"(D) communication, navigation, or sur-
17	veillance equipment for air-to-ground or air-to-
18	air applications;";
19	(3) in subparagraph (E) (as redesignated by
20	paragraph (1) of this section)—
21	(A) by striking "another structure" and in-
22	serting "any structure, equipment,"; and
23	(B) by striking the period at the end and
24	inserting "; and"; and
25	(4) by adding at the end the following:

1	"(F) buildings, equipment, and systems
2	dedicated to the national airspace system.".
3	SEC. 206. CLARIFICATION TO ACQUISITION REFORM AU-
4	THORITY.
5	Section 40110(c) is amended—
6	(1) by inserting "and" after the semicolon in
7	paragraph (3);
8	(2) by striking paragraph (4); and
9	(3) by redesignating paragraph (5) as para-
10	graph (4).
11	SEC. 207. ASSISTANCE TO FOREIGN AVIATION AUTHORI-
12	TIES.
13	Section 40113(e) is amended—
14	(1) in paragraph (1)—
15	(A) by inserting "(whether public or pri-
16	vate)" after "authorities"; and
17	(B) by striking "safety." and inserting
18	"safety or efficiency. The Administrator is au-
19	thorized to participate in, and submit offers in
20	response to, competitions to provide these serv-
21	ices, and to contract with foreign aviation au-
22	thorities to provide these services consistent with
23	$section \ 106(l)(6).";$
24	(2) in paragraph (2) by adding at the end the
25	following: "The Administrator is authorized, notwith-

1	standing any other provision of law or policy, to ac-
2	cept payments for services provided under this sub-
3	section in arrears."; and
4	(3) by striking paragraph (3) and inserting the
5	following:
6	"(3) Crediting appropriations.—Funds re-
7	ceived by the Administrator pursuant to this section
8	shall—
9	"(A) be credited to the appropriation cur-
10	rent when the amount is received;
11	"(B) be merged with and available for the
12	purposes of such appropriation; and
13	"(C) remain available until expended.".
14	SEC. 208. NEXT GENERATION AIR TRANSPORTATION SYS-
15	TEM JOINT PLANNING AND DEVELOPMENT
16	OFFICE.
17	(a) Redesignation of JPDO Director to Asso-
18	CIATE ADMINISTRATOR.—
19	(1) Associate administrator for next gen-
20	ERATION AIR TRANSPORTATION SYSTEM PLANNING,
21	DEVELOPMENT, AND INTERAGENCY COORDINATION.—
22	Section 709(a) of the Vision 100—Century of Avia-
23	tion Reauthorization Act (49 U.S.C. 40101 note; 117
24	Stat. 2582) is amended—

1	(A) by redesignating paragraphs (2), (3),
2	and (4) as paragraphs (3), (4), and (5), respec-
3	tively; and
4	(B) by inserting after paragraph (1) the fol-
5	lowing:
6	"(2) The head of the Office shall be the Associate Ad-
7	ministrator for Next Generation Air Transportation Sys-
8	tem Planning, Development, and Interagency Coordination,
9	who shall be appointed by the Administrator of the Federal
10	Aviation Administration. The Administrator shall appoint
11	the Associate Administrator after consulting with the
12	Chairman of the Next Generation Senior Policy Committee
13	and providing advanced notice to the other members of that
14	Committee.".
15	(2) Responsibilities.—Section $709(a)(3)$ of
16	such Act (as redesignated by paragraph (1) of this
17	subsection) is amended—
18	(A) in subparagraph (G) by striking ";
19	and" and inserting a semicolon;
20	(B) in subparagraph (H) by striking the
21	period at the end and inserting a semicolon; and
22	(C) by adding at the end the following:
23	"(I) establishing specific quantitative goals
24	for the safety, capacity, efficiency, performance,
25	and environmental impacts of each phase of Next

1	Generation Air Transportation System planning
2	and development activities and measuring actual
3	operational experience against those goals, taking
4	into account noise pollution reduction concerns
5	of affected communities to the extent practicable
6	in establishing the environmental goals;
7	"(J) working to ensure global interoper-
8	ability of the Next Generation Air Transpor-
9	tation System;
10	"(K) working to ensure the use of weather
11	information and space weather information in
12	the Next Generation Air Transportation System
13	as soon as possible;
14	"(L) overseeing, with the Administrator and
15	in consultation with the Chief NextGen Officer,
16	the selection of products or outcomes of research
17	and development activities that should be moved
18	to a demonstration phase; and
19	"(M) maintaining a baseline modeling and
20	simulation environment for testing and evalu-
21	ating alternative concepts to satisfy Next Gen-
22	eration Air Transportation System enterprise
23	architecture requirements.".

1	(3) Cooperation with other federal agen-
2	CIES.—Section 709(a)(4) of such Act (as redesignated
3	by paragraph (1) of this subsection) is amended—
4	(A) by striking "(4)" and inserting
5	"(4)(A)"; and
6	(B) by adding at the end the following:
7	"(B) The Secretary of Defense, the Administrator of
8	the National Aeronautics and Space Administration, the
9	Secretary of Commerce, the Secretary of Homeland Secu-
10	rity, and the head of any other Federal agency from which
11	the Secretary of Transportation requests assistance under
12	subparagraph (A) shall designate a senior official in the
13	agency to be responsible for—
14	"(i) carrying out the activities of the agency re-
15	lating to the Next Generation Air Transportation
16	System in coordination with the Office, including the
17	execution of all aspects of the work of the agency in
18	developing and implementing the integrated work
19	$plan\ described\ in\ subsection\ (b)(5);$
20	"(ii) serving as a liaison for the agency in ac-
21	tivities of the agency relating to the Next Generation
22	Air Transportation System and coordinating with
23	other Federal agencies involved in activities relating
24	to the System; and

1	"(iii) ensuring that the agency meets its obliga-
2	tions as set forth in any memorandum of under-
3	standing executed by or on behalf of the agency relat-
4	ing to the Next Generation Air Transportation Sys-
5	tem.
6	"(C) The head of a Federal agency referred to in sub-
7	paragraph (B) shall—
8	"(i) ensure that the responsibilities of the agency
9	relating to the Next Generation Air Transportation
10	System are clearly communicated to the senior offi-
11	cial of the agency designated under subparagraph
12	(B);
13	"(ii) ensure that the performance of the senior of-
14	ficial in carrying out the responsibilities of the agen-
15	cy relating to the Next Generation Air Transpor-
16	tation System is reflected in the official's annual per-
17	formance evaluations and compensation;
18	"(iii) establish or designate an office within the
19	agency to carry out its responsibilities under the
20	memorandum of understanding under the supervision
21	of the designated official; and
22	"(iv) ensure that the designated official has suffi-
23	cient budgetary authority and staff resources to carry
24	out the agency's Next Generation Air Transportation

1	System responsibilities as set forth in the integrated
2	plan under subsection (b).
3	"(D) Not later than 6 months after the date of enact-
4	ment of this subparagraph, the head of each Federal agency
5	that has responsibility for carrying out any activity under
6	the integrated plan under subsection (b) shall execute a
7	memorandum of understanding with the Office obligating
8	that agency to carry out the activity.".
9	(4) Coordination with omb.—Section 709(a)
10	of such Act (117 Stat. 2582) is further amended by
11	adding at the end the following:
12	"(6)(A) The Office shall work with the Director of the
13	Office of Management and Budget to develop a process
14	whereby the Director will identify projects related to the
15	Next Generation Air Transportation System across the
16	agencies referred to in paragraph (4)(A) and consider the
17	Next Generation Air Transportation System as a unified,
18	cross-agency program.
19	"(B) The Director of the Office of Management and
20	Budget, to the extent practicable, shall—
21	"(i) ensure that—
22	"(I) each Federal agency covered by the
23	plan has sufficient funds requested in the Presi-
24	dent's budget, as submitted under section
25	1105(a) of title 31, United States Code, for each

1	fiscal year covered by the plan to carry out its
2	responsibilities under the plan; and
3	"(II) the development and implementation
4	of the Next Generation Air Transportation Sys-
5	tem remains on schedule;
6	"(ii) include, in the President's budget, a state-
7	ment of the portion of the estimated budget of each
8	Federal agency covered by the plan that relates to the
9	activities of the agency under the Next Generation Air
10	Transportation System; and
11	"(iii) identify and justify as part of the Presi-
12	dent's budget submission any inconsistencies between
13	the plan and amounts requested in the budget.
14	"(7) The Associate Administrator of the Next Genera-
15	tion Air Transportation System Planning, Development,
16	and Interagency Coordination shall be a voting member of
17	the Joint Resources Council of the Federal Aviation Admin-
18	istration.".
19	(b) Integrated Plan.—Section 709(b) of such Act
20	(117 Stat. 2583) is amended—
21	(1) in the matter preceding paragraph (1)—
22	(A) by striking "meets air" and inserting
23	"meets anticipated future air"; and

1	(B) by striking "beyond those currently in-
2	cluded in the Federal Aviation Administration's
3	operational evolution plan";
4	(2) at the end of paragraph (3) by striking
5	"and";
6	(3) at the end of paragraph (4) by striking the
7	period and inserting "; and"; and
8	(4) by adding at the end the following:
9	"(5) a multiagency integrated work plan for the
10	Next Generation Air Transportation System that in-
11	cludes—
12	"(A) an outline of the activities required to
13	achieve the end-state architecture, as expressed in
14	the concept of operations and enterprise architec-
15	ture documents, that identifies each Federal
16	agency or other entity responsible for each activ-
17	ity in the outline;
18	"(B) details on a year-by-year basis of spe-
19	cific accomplishments, activities, research re-
20	quirements, rulemakings, policy decisions, and
21	other milestones of progress for each Federal
22	agency or entity conducting activities relating to
23	the Next Generation Air Transportation System;
24	"(C) for each element of the Next Genera-
25	tion Air Transportation System, an outline, on

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a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System's endstate architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;

- "(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity's responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;
- "(E) a clear explanation of how each step in the development of the Next Generation Air Transportation System will lead to the following step and of the implications of not successfully completing a step in the time period described in the integrated work plan;
- "(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for

1	the implementation of new capabilities into the
2	$national\ air space\ system;$
3	"(G) date-specific timetables for meeting the
4	environmental goals identified in subsection
5	(a)(3)(I); and
6	"(H) a description of potentially significant
7	operational or workforce changes resulting from
8	deployment of the Next Generation Air Trans-
9	portation System.".
10	(c) NextGen Implementation Plan.—Section
11	709(d) of such Act (117 Stat. 2584) is amended to read
12	as follows:
13	"(d) NextGen Implementation Plan.—The Admin-
14	istrator shall develop and publish annually the document
15	known as the NextGen Implementation Plan, or any suc-
16	cessor document, that provides a detailed description of how
17	the agency is implementing the Next Generation Air Trans-
18	portation System.".
19	(d) Contingency Planning.—The Associate Admin-
20	istrator for the Next Generation Air Transportation System
21	Planning, Development, and Interagency Coordination
22	shall, as part of the design of the System, develop contin-
23	gency plans for dealing with the degradation of the System
24	in the event of a natural disaster, major equipment failure,
25	or act of terrorism.

1	SEC. 209. NEXT GENERATION AIR TRANSPORTATION SEN-
2	IOR POLICY COMMITTEE.
3	(a) Meetings.—Section 710(a) of the Vision 100—
4	Century of Aviation Reauthorization Act (49 U.S.C. 40101
5	note; 117 Stat. 2584) is amended by inserting before the
6	period at the end the following "and shall meet at least
7	twice each year".
8	(b) Annual Report.—Section 710 of such Act (117
9	Stat. 2584) is amended by adding at the end the following:
10	"(e) Annual Report.—
11	"(1) Submission to congress.—Not later than
12	one year after the date of enactment of this subsection,
13	and annually thereafter on the date of submission of
14	the President's budget request to Congress under sec-
15	tion 1105(a) of title 31, United States Code, the Sec-
16	retary shall submit to Congress a report summarizing
17	the progress made in carrying out the integrated work
18	plan required by section 709(b)(5) and any changes
19	in that plan.
20	"(2) Contents.—The report shall include—
21	"(A) a copy of the updated integrated work
22	plan;
23	"(B) a description of the progress made in
24	carrying out the integrated work plan and any
25	changes in that plan, including any changes

1	based on funding shortfalls and limitations set
2	by the Office of Management and Budget;
3	"(C) a detailed description of—
4	"(i) the success or failure of each item
5	of the integrated work plan for the previous
6	year and relevant information as to why
7	any milestone was not met; and
8	"(ii) the impact of not meeting the
9	milestone and what actions will be taken in
10	the future to account for the failure to com-
11	plete the milestone;
12	"(D) an explanation of any change to fu-
13	ture years in the integrated work plan and the
14	reasons for such change; and
15	"(E) an identification of the levels of fund-
16	ing for each agency participating in the inte-
17	grated work plan devoted to programs and ac-
18	tivities under the plan for the previous fiscal
19	year and in the President's budget request.".
20	SEC. 210. IMPROVED MANAGEMENT OF PROPERTY INVEN-
21	TORY.
22	Section 40110(a) is amended by striking paragraphs
23	(2) and (3) and inserting the following:
24	"(2) may construct and improve laboratories
25	and other test facilities; and

1	"(3) may dispose of any interest in property for
2	adequate compensation, and the amount so received
3	shall—
4	"(A) be credited to the appropriation cur-
5	rent when the amount is received;
6	"(B) be merged with and available for the
7	purposes of such appropriation; and
8	"(C) remain available until expended.".
9	SEC. 211. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-
10	CAST SERVICES.
11	(a) Review by DOT Inspector General.—
12	(1) In General.—The Inspector General of the
13	Department of Transportation shall conduct a review
14	concerning the Federal Aviation Administration's
15	award and oversight of any contracts entered into by
16	the Administration to provide ADS-B services for the
17	national airspace system.
18	(2) Contents.—The review shall include, at a
19	minimum—
20	(A) an examination of how the Administra-
21	tion manages program risks;
22	(B) an assessment of expected benefits at-
23	tributable to the deployment of ADS-B services,
24	including the Administration's plans for imple-
25	mentation of advanced operational procedures

1	and air-to-air applications, as well as the extent
2	to which ground radar will be retained;
3	(C) an assessment of the Administration's
4	analysis of specific operational benefits, and ben-
5	efit/costs analyses of planned operational benefits
6	conducted by the Administration, for ADS-B In
7	and ADS-B Out avionics equipage for airspace
8	users;
9	(C) a determination of whether the Admin-
10	istration has established sufficient mechanisms to
11	ensure that all design, acquisition, operation,
12	and maintenance requirements have been met by
13	$the\ contractor;$
14	(D) an assessment of whether the Adminis-
15	tration and any contractors are meeting cost,
16	schedule, and performance milestones, as meas-
17	ured against the original baseline of the Admin-
18	istration's program for providing ADS-B serv-
19	ices;
20	(E) an assessment of how security issues are
21	being addressed in the overall design and imple-
22	mentation of the ADS-B system; and
23	(F) any other matters or aspects relating to
24	contract implementation and oversight that the
25	Inspector General determines merit attention.

1	(3) Reports to congress.—The Inspector
2	General shall submit, periodically (and on at least an
3	annual basis), to the Committee on Transportation
4	and Infrastructure of the House of Representatives
5	and the Committee on Commerce, Science, and Trans-
6	portation of the Senate a report on the results of the
7	review conducted under this subsection.
8	(b) Rulemakings.—
9	(1) ADS-B In.—Not later than one year after
10	the date of enactment of this Act, the Administrator
11	of the Federal Aviation Administration shall initiate
12	a rulemaking proceeding to issue guidelines and regu-
13	lations relating to ADS-B In technology that—
14	(A) identify the ADS-B In technology that
15	will be required under NextGen;
16	(B) subject to paragraph (2), require all
17	aircraft operating in capacity constrained air-
18	space, at capacity constrained airports, or in
19	any other airspace deemed appropriate by the
20	Administrator to be equipped with ADS-B In
21	technology by 2020; and
22	(C) identify—
23	(i) the type of avionics required of air-
24	craft for all classes of airspace;

1	(ii) the expected costs associated with
2	the avionics; and
3	(iii) the expected uses and benefits of
4	the avionics.
5	(2) Readiness verification.—Before the date
6	on which all aircraft are required to be equipped with
7	ADS-B In technology pursuant to rulemakings con-
8	ducted under paragraph (1), the Chief NextGen Offi-
9	cer shall verify that—
10	(A) the necessary ground infrastructure is
11	installed and functioning properly;
12	(B) certification standards have been ap-
13	$proved;\ and$
14	(C) appropriate operational platforms
15	interface safely and efficiently.
16	(c) Use of ADS-B Technology.—
17	(1) Plans.—Not later than 18 months after the
18	date of enactment of this Act, the Administrator shall
19	develop, in consultation with appropriate employee
20	and industry groups, a plan for the use of ADS-B
21	technology for surveillance and active air traffic con-
22	trol.
23	(2) Contents.—The plan shall—
24	(A) include provisions to test the use of
25	ADS-B technology for surveillance and active

1	air traffic control in specific regions of the
2	United States with the most congested airspace;
3	(B) identify the equipment required at air
4	traffic control facilities and the training re-
5	quired for air traffic controllers;
6	(C) identify procedures, to be developed in
7	consultation with appropriate employee and in-
8	dustry groups, to conduct air traffic manage-
9	ment in mixed equipage environments; and
10	(D) establish a policy in test regions re-
11	ferred to in subparagraph (A), in consultation
12	with appropriate employee and industry groups,
13	to provide incentives for equipage with ADS-B
14	technology, including giving priority to aircraft
15	equipped with such technology before the 2020
16	$equipage\ deadline.$
17	SEC. 212. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE
18	FOR NEXTGEN.
19	(a) Review.—The Administrator of the Federal Avia-
20	tion Administration shall enter into an arrangement with
21	the National Research Council to review the enterprise ar-
22	chitecture for the NextGen.
23	(b) Contents.—At a minimum, the review to be con-
24	ducted under subsection (a) shall—

- 1 (1) highlight the technical activities, including 2 human-system design, organizational design, and 3 other safety and human factor aspects of the system, 4 that will be necessary to successfully transition cur-5 rent and planned modernization programs to the fu-6 ture system envisioned by the Joint Planning and De-7 velopment Office of the Administration;
 - (2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and
 - (3) determine how risks with automation efforts for the NextGen can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.
- 17 (c) REPORT.—Not later than one year after the date
 18 of enactment of this Act, the Administrator shall submit
 19 to the Committee on Transportation and Infrastructure of
 20 the House of Representatives and the Committee on Com21 merce, Science, and Transportation of the Senate a report
 22 containing the results of the review conducted pursuant to
 23 subsection (a).
- 24 SEC. 213. ACCELERATION OF NEXTGEN TECHNOLOGIES.
- 25 (a) AIRPORT PROCEDURES.—

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- (1) In General.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representa-tives, flight path service providers, and aircraft man-ufacturers that includes the following:
 - (A) RNP/RNAV OPERATIONS.—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 35 operational evolution partnership airports identified by the Administration.
 - (B) Coordination and implementation Activities.—A description of the activities and operational changes and approvals required to coordinate and utilize those procedures at those airports.
 - (C) Implementation plan.—A plan for implementing those procedures that establishes—

1	(i) clearly defined budget, schedule,
2	project organization, and leadership re-
3	quirements;
4	(ii) specific implementation and tran-
5	sition steps; and
6	(iii) baseline and performance metrics
7	for—
8	(I) measuring the Administra-
9	tion's progress in implementing the
10	plan, including the percentage utiliza-
11	tion of required navigation perform-
12	ance in the national airspace system;
13	and
14	(II) achieving measurable fuel
15	burn and carbon dioxide emissions re-
16	ductions compared to current perform-
17	ance; and
18	(iv) expedited environmental review
19	procedures for timely environmental ap-
20	proval of area navigation and required
21	navigation performance that offer signifi-
22	cant efficiency improvements as determined
23	by baseline and performance metrics under
24	clause (iii).

1	(D) Additional procedures.—A process
2	for the identification, certification, and publica-
3	tion of additional required navigation perform-
4	ance and area navigation procedures that may
5	be required at such airports in the future.
6	(2) Implementation schedule.—The Admin-
7	istrator shall certify, publish, and implement—
8	(A) 30 percent of the required procedures
9	not later than 18 months after the date of enact-
10	ment of this Act;
11	(B) 60 percent of the procedures not later
12	than 36 months after the date of enactment of
13	this Act; and
14	(C) 100 percent of the procedures before
15	June 30, 2015.
16	(b) Establishment of Priorities.—The Adminis-
17	trator shall extend the charter of the Performance Based
18	Navigation Aviation Rulemaking Committee as necessary
19	to establish priorities for the development, certification,
20	publication, and implementation of the navigation perform-
21	ance and area navigation procedures based on their poten-
22	tial safety and efficiency benefits to other airports in the
23	national airspace system, including small and medium hub
24	airports.

1	(c) Coordinated and Expedited Review.—Naviga-
2	tion performance and area navigation procedures devel-
3	oped, certified, published, and implemented under this sec-
4	tion shall be presumed to be covered by a categorical exclu-
5	sion (as defined in section 1508.4 of title 40, Code of Fed-
6	eral Regulations) under chapter 3 of FAA Order 1050.1E
7	unless the Administrator determines that extraordinary cir-
8	cumstances exist with respect to the procedure.
9	(d) Deployment Plan for Nationwide Data Com-
10	MUNICATIONS System.—Not later than one year after the
11	date of enactment of this Act, the Administrator shall sub-
12	mit to the Committee on Commerce, Science, and Transpor-
13	tation of the Senate and the Committee on Transportation
14	and Infrastructure of the House of Representatives a plan
15	for implementation of a nationwide data communications
16	system. The plan shall include—
17	(1) clearly defined budget, schedule, project orga-
18	nization, and leadership requirements;
19	(2) specific implementation and transition steps;
20	and
21	(3) baseline and performance metrics for meas-
22	uring the Administration's progress in implementing
23	$the \ plan.$
24	(e) Improved Performance Standards.—

1	(1) Assessment of work being performed
2	UNDER NEXTGEN IMPLEMENTATION PLAN.—The Ad-
3	ministrator shall clearly outline in the NextGen Im-
4	plementation Plan document of the Administration
5	the work being performed under the plan to deter-
6	mine—
7	(A) whether utilization of ADS-B, RNP,
8	and other technologies as part of NextGen imple-
9	mentation will display the position of aircraft
10	more accurately and frequently so as to enable a
11	more efficient use of existing airspace and result
12	in reduced consumption of aviation fuel and air-
13	craft engine emissions; and
14	(B) the feasibility of reducing aircraft sepa-
15	ration standards in a safe manner as a result of
16	the implementation of such technologies.
17	(2) AIRCRAFT SEPARATION STANDARDS.—If the
18	Administrator determines that the standards referred
19	to in paragraph (1)(B) can be reduced safely, the Ad-
20	ministrator shall include in the NextGen Implementa-
21	tion Plan a timetable for implementation of such re-
22	duced standards.
23	(f) Third-Party Usage.—The Administration shall

 $24\ establish\ a\ program\ under\ which\ the\ Administration\ will$

1	use third parties in the development, testing, and mainte-
2	nance of flight procedures.
3	SEC. 214. PERFORMANCE METRICS.
4	(a) In General.—Not later than 180 days after the
5	date of enactment of this Act, the Administrator of the Fed-
6	eral Aviation Administration shall establish and begin
7	tracking national airspace system performance metrics, in-
8	cluding, at a minimum, metrics with respect to—
9	(1) actual arrival and departure rates per hour
10	measured against the currently published aircraft ar-
11	rival rate and aircraft departure rate for the 35 oper-
12	$ational\ evolution\ partnership\ airports;$
13	(2) average gate-to-gate times;
14	(3) fuel burned between key city pairs;
15	(4) operations using the advanced navigation
16	procedures, including performance based navigation
17	procedures;
18	(5) the average distance flown between key city
19	pairs;
20	(6) the time between pushing back from the gate
21	and taking off;
22	(7) continuous climb or descent;
23	(8) average gate arrival delay for all arrivals;
24	(9) flown versus filed flight times for key city
25	pairs;

1	(10) implementation of NextGen Implementation
2	Plan, or any successor document, capabilities de-
3	signed to reduce emissions and fuel consumption;
4	(11) the Administration's unit cost of providing
5	air traffic control services; and
6	(12) runway safety, including runway incur-
7	sions, operational errors, and loss of standard separa-
8	tion events.
9	(b) Baselines.—The Administrator, in consultation
10	with aviation industry stakeholders, shall identify baselines
11	for each of the metrics established under subsection (a) and
12	appropriate methods to measure deviations from the base-
13	lines.
14	(c) Publication.—The Administrator shall make
15	data obtained under subsection (a) available to the public
16	in a searchable, sortable, and downloadable format through
17	the Web site of the Administration and other appropriate
18	media.
19	(d) Report.—Not later than 180 days after the date
20	of enactment of this Act, the Administrator shall submit
21	to the Committee on Commerce, Science, and Transpor-
22	tation of the Senate and the Committee on Transportation
23	and Infrastructure of the House of Representatives a report

24 that contains—

1	(1) a description of the metrics that will be used
2	to measure the Administration's progress in imple-
3	menting NextGen capabilities and operational results;
4	(2) information on any additional metrics devel-
5	oped; and
6	(3) a process for holding the Administration ac-
7	countable for meeting or exceeding the metrics base-
8	lines identified in subsection (b).
9	SEC. 215. CERTIFICATION STANDARDS AND RESOURCES.
10	Not later than 180 days after the date of enactment
11	of this Act, the Administrator of the Federal Aviation Ad-
12	ministration shall develop a plan to accelerate and stream-
13	line the process for certification of NextGen technologies, in-
14	cluding—
15	(1) establishment of updated project plans and
16	timelines;
17	(2) identification of the specific activities needed
18	to certify NextGen technologies, including the estab-
19	lishment of NextGen technical requirements for the
20	manufacture of equipage, installation of equipage,
21	airline operational procedures, pilot training stand-
22	ards, air traffic control procedures, and air traffic
23	$controller\ training;$
24	(3) identification of staffing requirements for the
25	Air Certification Service and the Flight Standards

1	Service, taking into consideration the leveraging of
2	assistance from third parties and designees;
3	(4) establishment of a program under which the
4	Administration will use third parties in the certifi-
5	cation process; and
6	(5) establishment of performance metrics to
7	measure the Administration's progress.
8	SEC. 216. SURFACE SYSTEMS ACCELERATION.
9	(a) In General.—The Chief Operating Officer of the
10	Air Traffic Organization shall—
11	(1) evaluate the Airport Surface Detection
12	Equipment-Model X program for its potential con-
13	tribution to implementation of the NextGen initiative;
14	(2) evaluate airport surveillance technologies and
15	associated collaborative surface management software
16	for potential contributions to implementation of
17	NextGen surface management;
18	(3) accelerate implementation of the program re-
19	ferred to in paragraph (1); and
20	(4) carry out such additional duties as the Ad-
21	ministrator of the Federal Aviation Administration
22	may require.
23	(b) Expedited Certification and Utilization.—
24	The Administrator shall—

1	(1) consider options for expediting the certifi-
2	cation of Ground-Based Augmentation System tech-
3	nology; and
4	(2) develop a plan to utilize such a system at the
5	35 operational evolution partnership airports by Sep-
6	tember 30, 2012.
7	SEC. 217. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC
8	CONTROL MODERNIZATION PROJECTS.
9	(a) Process for Employee Inclusion.—Notwith-
10	standing any other law or agreement, the Administrator of
11	the Federal Aviation Administration shall establish a proc-
12	ess or processes for including qualified employees to serve
13	in a collaborative and expert capacity in the planning and
14	development of air traffic control modernization projects,
15	$including\ Next Gen.$
16	(b) Adherence to Deadlines.—Participants in
17	these processes shall adhere to all deadlines and milestones
18	established pursuant to this title.
19	(c) No Change in Employee Status.—Participa-
20	tion in these processes by an employee shall not—
21	(1) serve as a waiver of any bargaining obliga-
22	tions or rights;
23	(2) entitle the employee to any additional com-
24	pensation or benefits; or

1	(3) entitle the employee to prevent or unduly
2	delay the exercise of management prerogatives.
3	(d) Working Groups.—Except in extraordinary cir-
4	cumstances, the Administrator shall not pay overtime re-
5	lated to work group participation.
6	(e) Report.—Not later than 180 days after the date
7	of enactment of this Act, the Administrator shall report to
8	Committee on Transportation and Infrastructure of the
9	House of Representatives and the Committee on Commerce,
10	Science, and Transportation of the Senate concerning the
11	disputes between participating employees and Administra-
12	tion management that have led to delays to the implementa-
13	tion of NextGen, including information on the source of the
14	dispute, the resulting length of delay, and associated cost
15	increases.
16	SEC. 218. SITING OF WIND FARMS NEAR FAA NAVIGATIONAL
17	AIDS AND OTHER ASSETS.
18	(a) Survey and Assessment.—
19	(1) In general.—Not later than 180 days after
20	the date of enactment of this Act, in order to address
21	safety and operational concerns associated with the
22	construction, alteration, establishment, or expansion
23	of wind farms in proximity to critical Federal Avia-
24	tion Administration facilities, the Administrator of
25	the Federal Aviation Administration shall complete a

1	survey and assessment of leases for critical Adminis-
2	tration facility sites, including—
3	(A) an inventory of the leases that describes,
4	for each such lease—
5	(i) the periodic cost, location, site,
6	terms, number of years remaining, and les-
7	sor;
8	(ii) other Administration facilities that
9	share the leasehold, including surveillance
10	and communications equipment; and
11	(iii) the type of transmission services
12	supported, including the terms of service,
13	cost, and support contract obligations for
14	the services; and
15	(B) a list of those leases for facilities located
16	in or near areas suitable for the construction
17	and operation of wind farms, as determined by
18	the Administrator in consultation with the Sec-
19	retary of Energy.
20	(2) Memorandum of understanding.—The
21	Administrator and the Secretary of Energy shall
22	enter into a memorandum of understanding regard-
23	ing the use and distribution of the list referred to in
24	paragraph (1)(B), including considerations of privacy

- and proprietary information, database development,
 or other relevant applications.
- 3 (3) Report.—Upon completion of the survey 4 and assessment, the Administrator shall submit a re-5 port to the Committee on Commerce, Science, and 6 Transportation of the Senate, the Committee on 7 Transportation and Infrastructure of the House of 8 Representatives, and the Comptroller General con-9 taining the Administrator's findings, conclusions, and 10 recommendations.
- 11 (b) GAO ASSESSMENT.—Not later than 180 days after 12 receiving the Administrator's report under subsection 13 (a)(3), the Comptroller General, in consultation with the 14 Administrator and other interested parties, shall report 15 on—
 - (1) the current and potential impact of wind farms on the national airspace system;
 - (2) the extent to which the Department of Defense and the Administration have guidance, processes, and procedures in place to evaluate the impact of wind farms on the implementation of the NextGen air traffic control system; and
- 23 (3) potential mitigation strategies, if necessary, 24 to ensure that wind farms do not have an adverse im-25 pact on the implementation of the Next Generation

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1	air traffic control system, including the installation
2	of navigational aids associated with that system.
3	(c) Issuance of Guidelines.—Not later than 180
4	days after the Administrator receives the Comptroller's rec-
5	ommendations, the Administrator shall consult with State,
6	Federal, and industry stakeholders and publish guidelines
7	for the construction and operation of wind farms that are
8	to be located in proximity to critical Administration facili-
9	ties. The guidelines may include—
10	(1) the establishment of a zone system for wind
11	farms based on proximity to critical Administration
12	assets;
13	(2) the establishment of turbine height and den-
14	sity limitations on such wind farms; and
15	(3) any other requirements or recommendations
16	designed to address Administration safety or oper-
17	ational concerns related to the construction, alter-
18	ation, establishment, or expansion of such wind
19	farms.
20	(d) Reports.—The Administrator and the Comp-
21	troller General shall provide a copy of reports under sub-
22	sections (a) and (b), respectively, to—
23	(1) the Committee on Commerce, Science, and
24	Transportation, the Committee on Homeland Secu-

1	rity and Governmental Affairs, the Committee on
2	Armed Services of the Senate; and
3	(2) the Committee on Transportation and Infra-
4	structure, the Committee on Homeland Security, the
5	Committee on Armed Services, and the Committee on
6	Science and Technology of the House of Representa-
7	tives.
8	SEC. 219. AIRSPACE REDESIGN.
9	(a) FINDINGS.—Congress finds the following:
10	(1) The airspace redesign efforts of the Federal
11	Aviation Administration will play a critical near-
12	term role in enhancing capacity, reducing delays,
13	transitioning to more flexible routing, and ultimately
14	saving money in fuel costs for airlines and airspace
15	users.
16	(2) The critical importance of airspace redesign
17	efforts is underscored by the fact that they are high-
18	lighted in strategic plans of the Administration, in-
19	cluding Flight Plan 2009–2013 and the NextGen Im-
20	plementation Plan.
21	(3) Funding cuts have led to delays and deferrals
22	of critical capacity enhancing airspace redesign ef-
23	forts

1	(4) Several new runways planned for the period
2	of fiscal years 2011 and 2012 will not provide esti-
3	mated capacity benefits without additional funds.
4	(b) Noise Impacts of New York/New Jersey/
5	Philadelphia Metropolitan Area Airspace Rede-
6	SIGN.—
7	(1) Monitoring.—The Administrator of the
8	Federal Aviation Administration, in conjunction with
9	the Port Authority of New York and New Jersey and
10	the Philadelphia International Airport, shall monitor
11	the noise impacts of the New York/New Jersey/Phila-
12	$del phia\ Metropolitan\ Area\ Airspace\ Redesign.$
13	(2) Report.—Not later than one year following
14	the first day of completion of the New York/New Jer-
15	sey/Philadelphia Metropolitan Area Airspace Rede-
16	sign, the Administrator shall submit to Congress a re-
17	port on the findings of the Administrator with respect
18	to monitoring conducted under paragraph (1).
19	TITLE III—SAFETY
20	$Subtitle \ A-\!$
21	SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-
22	TIFICATES.
23	(a) Judicial Review of NTSB Decisions.—Section
24	44703(d) is amended by adding at the end the following:

1	"(3) A person who is substantially affected by an order
2	of the Board under this subsection, or the Administrator
3	if the Administrator decides that an order of the Board will
4	have a significant adverse impact on carrying out this sub-
5	title, may seek judicial review of the order under section
6	46110. The Administrator shall be made a party to the judi-
7	cial review proceedings. The findings of fact of the Board
8	in any such case are conclusive if supported by substantial
9	evidence.".
10	(b) Conforming Amendment.—Section 1153(c) is
11	amended by striking "section 44709 or" and inserting "sec-
12	tion 44703(d), 44709, or".
13	SEC. 302. RELEASE OF DATA RELATING TO ABANDONED
14	TYPE CERTIFICATES AND SUPPLEMENTAL
15	TYPE CERTIFICATES.
15 16	Type certificates. Section 44704(a) is amended by adding at the end the
16	
16	Section 44704(a) is amended by adding at the end the
16 17	Section 44704(a) is amended by adding at the end the following:
16 17 18	Section 44704(a) is amended by adding at the end the following: "(5) Release of Data.—
16 17 18 19	Section 44704(a) is amended by adding at the end the following: "(5) Release of Data.— "(A) In General.—Notwithstanding any
16 17 18 19 20	Section 44704(a) is amended by adding at the end the following: "(5) Release of Data.— "(A) In General.—Notwithstanding any other provision of law, the Administrator may
116 117 118 119 220 221	Section 44704(a) is amended by adding at the end the following: "(5) Release of Data.— "(A) In General.—Notwithstanding any other provision of law, the Administrator may make available upon request, to a person seeking
16 17 18 19 20 21 22	Section 44704(a) is amended by adding at the end the following: "(5) Release of Data.— "(A) In General.—Notwithstanding any other provision of law, the Administrator may make available upon request, to a person seeking to maintain the airworthiness or develop product

1	cate or a supplemental type certificate for such
2	aircraft, engine, propeller, or appliance, without
3	the consent of the owner of record, if the Admin-
4	istrator determines that—
5	"(i) the certificate containing the re-
6	quested data has been inactive for 3 or more
7	years, except that the Administrator may
8	reduce this time if required to address an
9	unsafe condition associated with the prod-
10	uct;
11	"(ii) after using due diligence, the Ad-
12	ministrator is unable to find the owner of
13	record, or the owner of record's heir, of the
14	type certificate or supplemental type certifi-
15	cate; and
16	"(iii) making such data available will
17	enhance aviation safety.
18	"(B) Engineering data defined.—In
19	this section, the term 'engineering data' as used
20	with respect to an aircraft, engine, propeller, or
21	appliance means type design drawing and speci-
22	fications for the entire aircraft, engine, propeller,
23	or appliance or change to the aircraft, engine,
24	propeller, or appliance, including the original
25	design data, and any associated supplier data

1	for individual parts or components approved as
2	part of the particular certificate for the aircraft,
3	engine, propeller, or appliance.
4	"(C) REQUIREMENT TO MAINTAIN DATA.—
5	The Administrator shall maintain engineering
6	data in the possession of the Administration re-
7	lating to a type certificate or a supplemental
8	type certificate that has been inactive for 3 or
9	more years.".
10	SEC. 303. DESIGN AND PRODUCTION ORGANIZATION CER-
11	TIFICATES.
12	(a) In General.—Section 44704(e) is amended to
13	read as follows:
14	"(e) Design and Production Organization Cer-
15	TIFICATES.—
16	"(1) Issuance.—Beginning January 1, 2013,
17	the Administrator may issue a certificate to a design
18	organization, production organization, or design and
19	production organization to authorize the organization
20	to certify compliance of aircraft, aircraft engines,
21	propellers, and appliances with the requirements and
22	minimum standards prescribed under section
23	44701(a). An organization holding a certificate issued
24	under this subsection shall be known as a certified de-

- sign and production organization (in this subsection
 referred to as a 'CDPO').
- "(2) APPLICATIONS.—On receiving an applica-3 tion for a CDPO certificate, the Administrator shall 4 5 examine and rate the organization submitting the ap-6 plication, in accordance with regulations to be pre-7 scribed by the Administrator, to determine whether 8 the organization has adequate engineering, design, 9 and production capabilities, standards, and safe-10 quards to make certifications of compliance as de-11 scribed in paragraph (1).
- "(3) ISSUANCE OF CERTIFICATES BASED ON
 CDPO FINDINGS.—The Administrator may rely on
 certifications of compliance by a CDPO when making
 determinations under this section.
- "(4) PUBLIC SAFETY.—The Administrator shall
 include in a CDPO certificate terms required in the
 interest of safety.
- 19 "(5) NO EFFECT ON POWER OF REVOCATION.—
 20 Nothing in this subsection affects the authority of the
 21 Secretary of Transportation to revoke a certificate.".
- 22 (b) APPLICABILITY.—Before January 1, 2013, the Ad-23 ministrator of the Federal Aviation Administration may 24 continue to issue certificates under section 44704(e) of title

1	49, United States Code, as in effect on the day before the
2	date of enactment of this Act.
3	(c) Clerical Amendments.—Chapter 447 is amend-
4	ed—
5	(1) in the heading for section 44704 by striking
6	"and design organization certificates" and
7	inserting ", and design and production or-
8	ganization certificates"; and
9	(2) in the analysis for such chapter by striking
10	the item relating to section 44704 and inserting the
11	following:
	"44704. Type certificates, production certificates, airworthiness certificates, and design and production organization certificates.".
12	SEC. 304. AIRCRAFT CERTIFICATION PROCESS REVIEW AND
12 13	SEC. 304. AIRCRAFT CERTIFICATION PROCESS REVIEW AND REFORM.
13	REFORM.
13 14	REFORM. (a) General.—The Administrator of the Federal
13 14 15 16	REFORM. (a) General.—The Administrator of the Federal Aviation Administration, in consultation with representa-
13 14 15 16	REFORM. (a) General.—The Administrator of the Federal Aviation Administration, in consultation with representa- tives of the aviation industry, shall conduct an assessment
13 14 15 16 17	REFORM. (a) General.—The Administrator of the Federal Aviation Administration, in consultation with representatives of the aviation industry, shall conduct an assessment of the certification and approval process under section
113 114 115 116 117	REFORM. (a) GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with representatives of the aviation industry, shall conduct an assessment of the certification and approval process under section 44704 of title 49, United States Code.
113 114 115 116 117 118 119	REFORM. (a) GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with representatives of the aviation industry, shall conduct an assessment of the certification and approval process under section 44704 of title 49, United States Code. (b) CONTENTS.—In conducting the assessment, the Ad-
13 14 15 16 17 18 19 20	REFORM. (a) General.—The Administrator of the Federal Aviation Administration, in consultation with representatives of the aviation industry, shall conduct an assessment of the certification and approval process under section 44704 of title 49, United States Code. (b) Contents.—In conducting the assessment, the Administrator shall consider—

1	1-year, 5-year, and 10-year periods following the date
2	of enactment of this Act;
3	(2) process reforms and improvements necessary
4	to allow the Administrator to review and approve the
5	applications in a fair and timely fashion;
6	(3) the status of recommendations made in pre-
7	vious reports on the Administration's certification
8	process;
9	(4) methods for enhancing the effective use of del-
10	egation systems, including organizational designation
11	authorization;
12	(5) methods for training the Administration's
13	field office employees in the safety management sys-
14	tem and auditing; and
15	(6) the status of updating airworthiness require-
16	ments, including implementing recommendations in
17	the Administration's report entitled "Part 23—Small
18	Airplane Certification Process Study" (OK-09-3468,
19	dated July 2009).
20	(c) Recommendations.—In conducting the assess-
21	ment, the Administrator shall make recommendations to
22	improve efficiency and reduce costs through streamlining
23	and reengineering the certification process under section
24	44704 of such title to ensure that the Administrator can

 $25\ \ conduct\ certifications\ and\ approvals\ under\ such\ section\ in$

- 1 a manner that supports and enables the development of new
- 2 products and technologies and the global competitiveness of
- 3 the United States aviation industry.
- 4 (d) Report.—Not later than 180 days after the date
- 5 of enactment of this Act, the Administrator shall submit
- 6 to the Committee on Transportation and Infrastructure of
- 7 the House of Representatives and the Committee on Com-
- 8 merce, Science, and Transportation of the Senate a report
- 9 on the results of the assessment, together with an expla-
- 10 nation of how the Administrator will implement rec-
- 11 ommendations made under subsection (c) and measure the
- 12 effectiveness of the recommendations.
- 13 (e) Implementation of Recommendations.—Not
- 14 later than one year after the date of enactment of this Act,
- 15 the Administrator shall begin to implement the rec-
- 16 ommendations made under subsection (c).
- 17 SEC. 305. CONSISTENCY OF REGULATORY INTERPRETA-
- 18 **TION**.
- 19 (a) Establishment of Advisory Panel.—Not later
- 20 than 90 days after the date of enactment of this Act, the
- 21 Administrator of the Federal Aviation Administration shall
- 22 establish an advisory panel comprised of both Government
- 23 and industry representatives to—

1	(1) review the October 2010 report by the Gov-
2	ernment Accountability Office on certification and
3	approval processes (GAO-11-14); and
4	(2) develop recommendations to address the find-
5	ings in the report and other concerns raised by inter-
6	ested parties, including representatives of the aviation
7	industry.
8	(b) Matters To Be Considered.—The advisory
9	panel shall—
10	(1) determine the root causes of inconsistent in-
11	terpretation of regulations by the Administration's
12	Flight Standards Service and Aircraft Certification
13	Service;
14	(2) develop recommendations to improve the con-
15	sistency of interpreting regulations by the Adminis-
16	tration's Flight Standards Service and Aircraft Cer-
17	tification Service; and
18	(3) develop recommendations to improve commu-
19	nications between the Administration's Flight Stand-
20	ards Service and Aircraft Certification Service and
21	applicants and certificate and approval holders for
22	the identification and resolution of potentially ad-
23	verse issues in an expeditious and fair manner.
24	(c) Report.—Not later than 6 months after the date
25	of enactment of this Act, the Administrator shall transmit

1	to the Committee on Transportation and Infrastructure of
2	the House of Representatives and the Committee on Com-
3	merce, Science, and Transportation of the Senate a report
4	on the findings of the advisory panel, together with an ex-
5	planation of how the Administrator will implement the rec-
6	ommendations of the advisory panel and measure the effec-
7	tiveness of the recommendations.
8	SEC. 306. RUNWAY SAFETY.
9	(a) Strategic Runway Safety Plan.—
10	(1) In general.—Not later than 6 months after
11	the date of enactment of this Act, the Administrator
12	of the Federal Aviation Administration shall develop
13	and submit to Congress a report containing a stra-
14	tegic runway safety plan.
15	(2) Contents of Plan.—The strategic runway
16	safety plan—
17	(A) shall include, at a minimum—
18	(i) goals to improve runway safety;
19	(ii) near and long term actions de-
20	signed to reduce the severity, number, and
21	rate of runway incursions, losses of stand-
22	ard separation, and operational errors;
23	(iii) time frames and resources needed
24	for the actions described in clause (ii):

1	(iv) a continuous evaluative process to
2	track performance toward the goals referred
3	to in clause (i); and
4	(v) a review of every commercial serv-
5	ice airport (as defined in section 47102 of
6	title 49, United States Code) in the United
7	States and proposed action to improve air-
8	port lighting, provide better signs, and im-
9	prove runway and taxiway markings; and
10	(B) shall address the increased runway safe-
11	ty risk associated with the expected increased
12	volume of air traffic.
13	(b) Process.—Not later than 6 months after the date
14	of enactment of this Act, the Administrator shall develop
15	a process for tracking and investigating operational errors,
16	losses of standard separation, and runway incursions that
17	includes procedures for—
18	(1) identifying who is responsible for tracking
19	operational errors, losses of standard separation, and
20	runway incursions, including a process for lower level
21	employees to report to higher supervisory levels and
22	for frontline managers to receive the information in
23	a timely manner;
24	(2) conducting periodic random audits of the
25	oversight process; and

1	(3) ensuring proper accountability.
2	(c) Plan for Installation and Deployment of
3	Systems To Provide Alerts of Potential Runway In-
4	CURSIONS.—Not later than December 31, 2011, the Admin-
5	istrator shall submit to Congress a report containing a plan
6	for the installation and deployment of systems the Adminis-
7	trator is installing to alert controllers or flight crew-
8	members, or both, of potential runway incursions. The plan
9	shall be integrated into the annual NextGen Implementa-
10	tion Plan document of the Administration or any successor
11	document.
12	SEC. 307. IMPROVED PILOT LICENSES.
13	(a) In General.—Not later than 9 months after the
14	date of enactment of this Act, the Administrator of the Fed-
15	eral Aviation Administration shall begin to issue improved
16	pilot licenses consistent with the requirements of title 49,
17	United States Code, and title 14, Code of Federal Regula-
18	tions.
19	(b) Requirements.—Improved pilot licenses issued
20	under subsection (a) shall—
21	(1) be resistant to tampering, alteration, and
22	counterfeiting;
23	(2) include a photograph of the individual to
24	whom the license is issued: and

1	(3) be capable of accommodating a digital photo-
2	graph, a biometric identifier, and any other unique
3	identifier that the Administrator considers necessary.
4	(c) Tampering.—To the extent practical, the Admin-
5	istrator shall develop methods to determine or reveal wheth-
6	er any component or security feature of a license issued
7	under subsection (a) has been tampered with, altered, or
8	counterfeited.
9	(d) Use of Designees.—The Administrator may use
10	designees to carry out subsection (a) to the extent feasible
11	in order to minimize the burdens on pilots.
12	(e) Report.—
13	(1) In general.—Not later than one year after
14	the date of enactment of this Act, and annually there-
15	after, the Administrator shall submit to the Com-
16	mittee on Transportation and Infrastructure of the
17	House of Representatives and the Committee on Com-
18	merce, Science, and Transportation of the Senate a
19	report on the issuance of improved pilot licenses
20	under this section.
21	(2) Expiration.—The Administrator shall not
22	be required to submit annual reports under this sub-
23	section after the date on which the Administrator be-
24	ains issuina improved pilot licenses under this section

or December 31, 2015, whichever occurs first.

(a) Study.—The Administrator of the Federal Avia-

1 SEC. 308. FLIGHT ATTENDANT FATIGUE.

3	tion Administration, acting through the Civil Aerospace
4	Medical Institute, shall conduct a study on the issue of
5	flight attendant fatigue.
6	(b) Contents.—The study shall include the following:
7	(1) A survey of field operations of flight attend-
8	ants.
9	(2) A study of incident reports regarding flight
10	attendant fatigue.
11	(3) A review of international policies and prac-
12	tices regarding flight limitations and rest of flight at-
13	tendants.
14	(4) An analysis of potential benefits of training
15	flight attendants regarding fatigue.
16	(c) Report.—Not later than September 30, 2012, the
17	Administrator shall submit to Congress a report on the re-
18	sults of the study.
19	SEC. 309. FLIGHT STANDARDS EVALUATION PROGRAM.
20	(a) In General.—Not later than 180 days after the
21	date of enactment of this Act, the Administrator of the Fed-
22	eral Aviation Administration shall modify the Flight
23	Standards Evaluation Program—
24	(1) to include periodic and random reviews as
25	part of the Administration's oversight of air carriers;
26	and

- 1 (2) to prohibit an individual from participating 2 in a review or audit of an office with responsibility
- 3 for an air carrier under the program if the indi-
- 4 vidual, at any time in the 5-year period preceding
- 5 the date of the review or audit, had responsibility for
- 6 inspecting, or overseeing the inspection of, the oper-
- 7 ations of that carrier.
- 8 (b) Annual Report.—Not later than one year after
- 9 the date of enactment of this Act, and annually thereafter,
- 10 the Administrator shall submit to the Committee on Com-
- 11 merce, Science, and Transportation of the Senate and the
- 12 Committee on Transportation and Infrastructure of the
- 13 House of Representatives a report on the Flight Standards
- 14 Evaluation Program, including the Administrator's find-
- 15 ings and recommendations with respect to the program.
- 16 (c) Flight Standards Evaluation Program De-
- 17 Fined.—In this section, the term "Flight Standards Eval-
- 18 uation Program" means the program established by the
- 19 Federal Aviation Administration in FS 1100.1B CHG3,
- 20 including any subsequent revisions thereto.
- 21 SEC. 310. COCKPIT SMOKE.
- 22 (a) Study.—The Comptroller General shall conduct a
- 23 study on the effectiveness of oversight activities of the Fed-
- 24 eral Aviation Administration relating to the use of new

- technologies to prevent or mitigate the effects of dense, con-
- tinuous smoke in the cockpit of a commercial aircraft.
- 3 (b) Report.—Not later than one year after the date
- of enactment of this Act, the Comptroller General shall sub-
- 5 mit to Congress a report on the results of the study.
- 6 SEC. 311. SAFETY OF AIR AMBULANCE OPERATIONS.
- 7 (a) In General.—Chapter 447 is amended by adding
- at the end the following: 8

9 "§ 44730. Helicopter air ambulance operations

- 10 "(a) Compliance Regulations.—
- 11 "(1) In general.—Except as provided in para-12 graph (2), not later than 6 months after the date of 13 enactment of this section, part 135 certificate holders 14 providing air ambulance services shall comply, when-15 ever medical personnel are onboard the aircraft, with 16 regulations pertaining to weather minimums and

flight and duty time under part 135.

18 "(2) Exception.—If a certificate holder de-19 scribed in paragraph (1) is operating, or carrying out 20 training, under instrument flight rules, the weather reporting requirement at the destination shall not 22 apply until such time as the Administrator of the 23 Federal Aviation Administration determines that 24 portable, reliable, and accurate ground-based weather 25 measuring and reporting systems are available.

17

1	"(b) Rulemaking.—The Administrator shall conduct
2	a rulemaking proceeding to improve the safety of flight
3	crewmembers, medical personnel, and passengers onboard
4	helicopters providing air ambulance services under part
5	135.
6	"(c) Matters To Be Addressed.—In conducting
7	the rulemaking proceeding under subsection (b), the Admin-
8	istrator shall address the following:
9	"(1) Flight request and dispatch procedures, in-
10	cluding performance-based flight dispatch procedures.
11	"(2) Pilot training standards, including—
12	"(A) mandatory training requirements, in-
13	cluding a minimum time for completing the
14	$training\ requirements;$
15	"(B) training subject areas, such as commu-
16	nications procedures and appropriate technology
17	use; and
18	"(C) establishment of training standards
19	in—
20	"(i) crew resource management;
21	"(ii) flight risk evaluation;
22	"(iii) preventing controlled flight into
23	terrain;
24	"(iv) recovery from inadvertent flight
25	into instrument meteorological conditions:

1	"(v) operational control of the pilot in
2	command; and
3	"(vi) use of flight simulation training
4	devices and line-oriented flight training.
5	"(3) Safety-enhancing technology and equip-
6	ment, including—
7	"(A) helicopter terrain awareness and
8	warning systems;
9	$``(B)\ radar\ altimeters;$
10	"(C) devices that perform the function of
11	flight data recorders and cockpit voice recorders,
12	to the extent feasible; and
13	"(D) safety equipment that should be worn
14	or used by flight crewmembers and medical per-
15	sonnel on a flight, including the possible use of
16	shoulder harnesses, helmets, seatbelts, and fire re-
17	sistant clothing to enhance crash survivability.
18	"(4) Such other matters as the Administrator
19	considers appropriate.
20	"(d) Minimum Requirements.—In issuing a final
21	rule under subsection (b), the Administrator, at a min-
22	imum, shall provide for the following:
23	"(1) Flight risk evaluation program.—The
24	Administrator shall ensure that a part 135 certificate
25	holder providing helicopter air ambulance services—

1	"(A) establishes a flight risk evaluation pro-
2	gram, based on FAA Notice 8000.301 issued by
3	the Administration on August 1, 2005, including
4	any updates thereto;
5	"(B) as part of the flight risk evaluation
6	program, develops a checklist for use by pilots in
7	determining whether a flight request should be
8	$accepted;\ and$
9	"(C) requires the pilots of the certificate
10	holder to use the checklist.
11	"(2) Operational control center.—The Ad-
12	ministrator shall ensure that a part 135 certificate
13	holder providing helicopter air ambulance services
14	using 10 or more helicopters has an operational con-
15	trol center that meets such requirements as the Ad-
16	ministrator may prescribe.
17	$``(e)\ Rulemaking.$ —The $Administrator\ shall$ —
18	"(1) not later than 180 days after the date of en-
19	actment of this section, issue a notice of proposed
20	rulemaking under subsection (b); and
21	"(2) not later than 16 months after the last day
22	of the comment period on the proposed rule, issue a
23	final rule.
24	"(f) Definitions.—In this section, the following defi-
25	nitions apply:

1	"(1) Part 135.—The term 'part 135' means part
2	135 of title 14, Code of Federal Regulations.
3	"(2) Part 135 certificate holder.—The term
4	'part 135 certificate holder' means a person holding
5	a certificate issued under part 135.
6	"§ 44731. Collection of data on helicopter air ambu-
7	lance operations
8	"(a) In General.—The Administrator of the Federal
9	Aviation Administration shall require a part 135 certificate
10	holder providing helicopter air ambulance services to sub-
11	mit to the Administrator, not later than one year after the
12	date of enactment of this section, and annually thereafter,
13	a report containing, at a minimum, the following data:
14	"(1) The number of helicopters that the certifi-
15	cate holder uses to provide helicopter air ambulance
16	services and the base locations of the helicopters.
17	"(2) The number of flights and hours flown, by
18	registration number, during which helicopters oper-
19	ated by the certificate holder were providing heli-
20	copter air ambulance services.
21	"(3) The number of flight requests for a heli-
22	copter providing air ambulance services that were ac-
23	cepted or declined by the certificate holder and the
24	type of each such flight request (such as scene re-

- sponse, interfacility transport, organ transport, or
 ferry or repositioning flight).
- "(4) The number of accidents, if any, involving helicopters operated by the certificate holder while providing air ambulance services and a description of the accidents.
- 7 "(5) The number of flights and hours flown
 8 under instrument flight rules by helicopters operated
 9 by the certificate holder while providing air ambu10 lance services.
 - "(6) The time of day of each flight flown by helicopters operated by the certificate holder while providing air ambulance services.
- "(7) The number of incidents, if any, in which
 a helicopter was not directly dispatched and arrived
 to transport patients but was not utilized for patient
 transport.
- "(b) Reporting Period.—Data contained in a re-19 port submitted by a part 135 certificate holder under sub-20 section (a) shall relate to such reporting period as the Ad-21 ministrator determines appropriate.
- "(c) Database.—Not later than 6 months after the
 data of enactment of this section, the Administrator shall
 develop a method to collect and store the data collected
 under subsection (a), including a method to protect the con-

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- 1 fidentiality of any trade secret or proprietary information
- 2 provided in response to this section.
- 3 "(d) Report to Congress.—Not later than 24
- 4 months after the date of enactment of this section, and an-
- 5 nually thereafter, the Administrator shall submit to the
- 6 Committee on Transportation and Infrastructure of the
- 7 House of Representatives and the Committee on Commerce,
- 8 Science, and Transportation of the Senate a report con-
- 9 taining a summary of the data collected under subsection
- 10 (a).
- 11 "(e) Part 135 Certificate Holder Defined.—In
- 12 this section, the term 'part 135 certificate holder' means a
- 13 person holding a certificate issued under part 135 of title
- 14 14, Code of Federal Regulations.".
- 15 (b) AUTHORIZED EXPENDITURES.—Section
- 16 106(k)(2)(C) (as redesignated by this Act) is amended by
- 17 inserting before the period the following: "and the develop-
- 18 ment and maintenance of helicopter approach procedures".
- 19 (c) Clerical Amendment.—The analysis for chapter
- 20 447 is amended by adding at the end the following:

[&]quot;444730. Helicopter air ambulance operations.

[&]quot;444731. Collection of data on helicopter air ambulance operations.".

1	SEC. 312. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATH-
2	ER OBSERVATION TECHNOLOGY.
3	(a) Study.—The Administrator of the Federal Avia-
4	tion Administration shall conduct a review of off-airport,
5	$low-altitude\ aircraft\ weather\ observation\ technologies.$
6	(b) Specific Review.—The review shall include, at
7	a minimum, an examination of off-airport, low-altitude
8	weather reporting needs, an assessment of technical alter-
9	$natives\ (including\ automated\ weather\ observation\ stations),$
10	an investment analysis, and recommendations for improv-
11	ing weather reporting.
12	(c) Report.—Not later than one year after the date
13	of enactment of this Act, the Administrator shall submit
14	to Congress a report containing the results of the review.
15	SEC. 313. FEASIBILITY OF REQUIRING HELICOPTER PILOTS
16	TO USE NIGHT VISION GOGGLES.
17	(a) Study.—The Administrator of the Federal Avia-
18	tion Administration shall carry out a study on the feasi-
19	bility of requiring pilots of helicopters providing air ambu-
20	lance services under part 135 of title 14, Code of Federal
21	Regulations, to use night vision goggles during nighttime
22	operations.
23	(b) Considerations.—In conducting the study, the
24	Administrator shall consult with owners and operators of
25	helicopters providing air ambulance services under such

26 part 135 and aviation safety professionals to determine the

- 1 benefits, financial considerations, and risks associated with
- 2 requiring the use of night vision goggles.
- 3 (c) Report to Congress.—Not later than one year
- 4 after the date of enactment of this Act, the Administrator
- 5 shall submit to the Committee on Transportation and In-
- 6 frastructure of the House of Representatives and the Com-
- 7 mittee on Commerce, Science, and Transportation of the
- 8 Senate a report on the results of the study.
- 9 SEC. 314. PROHIBITION ON PERSONAL USE OF ELECTRONIC
- 10 **DEVICES ON FLIGHT DECK.**
- 11 (a) In General.—Chapter 447 (as amended by this
- 12 Act) is further amended by adding at the end the following:
- 13 "§ 44732. Prohibition on personal use of electronic de-
- 14 vices on flight deck
- 15 "(a) In General.—It is unlawful for a flight crew-
- 16 member of an aircraft used to provide air transportation
- 17 under part 121 of title 14, Code of Federal Regulations,
- 18 to use a personal wireless communications device or laptop
- 19 computer while at the flight crewmember's duty station on
- 20 the flight deck of such an aircraft while the aircraft is being
- 21 operated.
- 22 "(b) Exceptions.—Subsection (a) shall not apply to
- 23 the use of a personal wireless communications device or
- 24 laptop computer for a purpose directly related to operation
- 25 of the aircraft, or for emergency, safety-related, or employ-

1	ment-related communications, in accordance with proce-
2	dures established by the air carrier and the Administrator
3	of the Federal Aviation Administration.
4	"(c) Enforcement.—In addition to the penalties pro-
5	vided under section 46301 applicable to any violation of
6	this section, the Administrator of the Federal Aviation Ad-
7	ministration may enforce compliance with this section
8	under section 44709 by amending, modifying, suspending,
9	or revoking a certificate under this chapter.
10	"(d) Personal Wireless Communications Device
11	Defined.—In this section, the term 'personal wireless com-
12	munications device' means a device through which personal
13	wireless services (as defined in section $332(c)(7)(C)(i)$ of the
14	Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i)))
15	are transmitted.".
16	(b) Penalty.—Section 44711(a) is amended—
17	(1) by striking "or" after the semicolon in para-
18	graph(8);
19	(2) by striking "title." in paragraph (9) and in-
20	serting "title; or"; and
21	(3) by adding at the end the following:
22	"(10) violate section 44732 or any regulation
23	issued thereunder.".

1	(c) Conforming Amendment.—The analysis for
2	chapter 447 (as amended by this Act) is further amended
3	by adding at the end the following:
	"44732. Prohibition on personal use of electronic devices on flight deck.".
4	(d) Regulations.—Not later than 90 days after the
5	date of enactment of this Act, the Administrator of the Fed-
6	eral Aviation Administration shall initiate a rulemaking
7	procedure for regulations to carry out section 44733 of title
8	49, United States Code, and shall issue a final rule there-
9	under not later than 2 years after the date of enactment
10	$of\ this\ Act.$
11	(e) Study.—
12	(1) In General.—The Administrator of the Fed-
13	eral Aviation Administration shall review relevant
14	air carrier data and carry out a study—
15	(A) to identify common sources of distrac-
16	tion for the flight crewmembers on the flight deck
17	of a commercial aircraft; and
18	(B) to determine the safety impacts of such
19	distractions.
20	(2) Report.—Not later than one year after the
21	date of enactment of this Act, the Administrator shall
22	submit to the Committee on Commerce, Science, and
23	Transportation of the Senate and the Committee on
24	Transportation and Infrastructure of the House of
25	Representatives a report that contains—

1	(A) the findings of the study conducted
2	under paragraph (1); and
3	(B) recommendations regarding how to re-
4	duce distractions for flight crewmembers on the
5	flight deck of a commercial aircraft.
6	SEC. 315. NONCERTIFICATED MAINTENANCE PROVIDERS.
7	(a) Regulations.—Not later than 3 years after the
8	date of enactment of this Act, the Administrator of the Fed-
9	eral Aviation Administration shall issue regulations requir-
10	ing that covered work on an aircraft used to provide air
11	transportation under part 121 of title 14, Code of Federal
12	Regulations, be performed by persons in accordance with
13	subsection (b).
14	(b) Persons Authorized To Perform Certain
15	Work.—A person may perform covered work on aircraft
16	used to provide air transportation under part 121 of title
17	14, Code of Federal Regulations, only if the person is em-
18	ployed by—
19	(1) a part 121 air carrier;
20	(2) a part 145 repair station or a person author-
21	ized under section 43.17 of title 14, Code of Federal
22	$Regulations;\ or$
23	(3) subject to subsection (c), a person that—

1	(A) provides contract maintenance workers,
2	services, or maintenance functions to a part 145
3	repair station or part 121 air carrier; and
4	(B) meets the requirements of the part 121
5	air carrier or the part 145 repair station.
6	(c) Terms and Conditions.—Covered work per-
7	formed by a person who is employed by a person described
8	in subsection (b)(3) shall be subject to the following terms
9	and conditions:
10	(1) The part 121 air carrier or the part 145 re-
11	pair station shall be directly in charge of the covered
12	work being performed.
13	(2) The covered work shall be carried out in ac-
14	cordance with the part 121 air carrier's maintenance
15	manual.
16	(d) Definitions.—In this section, the following defi-
17	nitions apply:
18	(1) Covered work.—The term "covered work"
19	means a required inspection item, as defined by the
20	Administrator.
21	(2) Part 121 Air Carrier.—The term "part 121
22	air carrier" means an air carrier that holds a certifi-
23	cate issued under part 121 of title 14, Code of Federal
24	Regulations.

1	(3) Part 145 Repair Station.—The term "part
2	145 repair station" means a repair station that holds
3	a certificate issued under part 145 of title 14, Code
4	of Federal Regulations.
5	SEC. 316. INSPECTION OF FOREIGN REPAIR STATIONS.
6	(a) In General.—Chapter 447 (as amended by this
7	Act) is further amended by adding at the end the following:
8	"§ 44733. Inspection of foreign repair stations
9	"(a) In General.—Not later than one year after the
10	date of enactment of this section, the Administrator of the
11	Federal Aviation Administration shall establish and imple-
12	ment a safety assessment system for each part 145 repair
13	station based on the type, scope, and complexity of work
14	being performed by the repair station, which shall—
15	"(1) ensure that repair stations outside the
16	United States are subject to appropriate inspections
17	that are based on identified risks and consistent with
18	United States requirements;
19	"(2) accept consideration of inspection results
20	and findings submitted by foreign civil aviation au-
21	thorities operating under a maintenance safety or
22	maintenance implementation agreement with the
23	United States in meeting the requirements of the safe-
24	tu assessment sustem: and

1	"(3) require all maintenance safety or mainte-
2	nance implementation agreements with the United
3	States to provide an opportunity for the Federal
4	Aviation Administration to conduct independent in-
5	spections of covered part 145 repair stations when
6	safety concerns warrant such inspections.
7	"(b) Notice to Congress of Negotiations.—The
8	Administrator shall notify the Committee on Commerce,
9	Science, and Transportation of the Senate and the Com-
10	mittee on Transportation and Infrastructure of the House
11	of Representatives on or before the 30th day after initiating
12	formal negotiations with a foreign aviation authority or
13	other appropriate foreign government agency on a new
14	maintenance safety or maintenance implementation agree-
15	ment.
16	"(c) Annual Report.—Not later than one year after
17	the date of enactment of this section, and annually there-
18	after, the Administrator shall publish a report on the Ad-
19	ministration's oversight of part 145 repair stations and im-
20	plementation of the safety assessment system required by
21	subsection (a), which shall—
22	"(1) describe in detail any improvements in the
23	Federal Aviation Administration's ability to identify
24	and track where part 121 air carrier repair work is
25	performed:

1	"(2) include a staffing model to determine the
2	best placement of inspectors and the number of in-
3	spectors needed for the oversight and implementation;
4	"(3) describe the training provided to inspectors
5	with respect to the oversight and implementation;
6	"(4) include an assessment of the quality of mon-
7	itoring and surveillance by the Federal Aviation Ad-
8	ministration of work provided by its inspectors and
9	the inspectors of foreign authorities operating under
10	a maintenance safety or maintenance implementation
11	agreement with the United States; and
12	"(5) specify the number of sample inspections
13	performed by Federal Aviation Administration in-
14	spectors at each repair station that is covered by a
15	maintenance safety or maintenance implementation
16	agreement with the United States.
17	"(d) Alcohol and Controlled Substance Test-
18	ING PROGRAM REQUIREMENTS.—
19	"(1) In General.—The Secretary of State and
20	the Secretary of Transportation shall request, jointly,
21	the governments of foreign countries that are members
22	of the International Civil Aviation Organization to
23	establish international standards for alcohol and con-
24	trolled substances testing of persons that perform safe-

- ty-sensitive maintenance functions on commercial air
 carrier aircraft.
- "(2) APPLICATION TO PART 3 121 AIRCRAFT4 WORK.—Not later than one year after the date of enactment of this section, the Administrator shall pro-5 6 mulgate a proposed rule requiring that all part 145 7 repair station employees responsible for safety-sensitive maintenance functions on part 121 air carrier 8 aircraft are subject to an alcohol and controlled sub-9 10 stances testing program that is determined acceptable 11 by the Administrator and is consistent with the ap-12 plicable laws of the country in which the repair sta-13 tion is located.
- "(e) Inspections.—The Administrator shall require
 part 145 repair stations to be inspected as frequently as
 determined warranted by the safety assessment system required by subsection (a), regardless of where the station is
 located, and in a manner consistent with United States obligations under international agreements.
- 20 "(f) Definitions.—In this section, the following defi-21 nitions apply:
- "(1) PART 121 AIR CARRIER.—The term 'part
 121 air carrier' means an air carrier that holds a
 24 certificate issued under part 121 of title 14, Code of
 25 Federal Regulations.

1	"(2) Part 145 Repair Station.—The term 'part
2	145 repair station' means a repair station that holds
3	a certificate issued under part 145 of title 14, Code
4	of Federal Regulations.".
5	(b) Conforming Amendment.—The analysis for
6	chapter 447 (as amended by this Act) is further amended
7	by adding at the end the following:
	"44733. Inspection of foreign repair stations.".
8	SEC. 317. SUNSET OF LINE CHECK.
9	Section 44729(h) is amended by adding at the end the
10	following:
11	"(4) Sunset of line check.—Paragraph (2)
12	shall cease to be effective following the one-year period
13	beginning on the date of enactment of the FAA Reau-
14	thorization and Reform Act of 2011 unless the Sec-
15	retary certifies that the requirements of paragraph (2)
16	are necessary to ensure safety.".
17	Subtitle B—Unmanned Aircraft
18	Systems
19	SEC. 321. DEFINITIONS.
20	In this subtitle, the following definitions apply:
21	(1) CERTIFICATE OF WAIVER; CERTIFICATE OF
22	AUTHORIZATION.—The term "certificate of waiver" or
23	"certificate of authorization" means a Federal Avia-
24	tion Administration grant of approval for a specific
25	flight operation.

- 1 (2) Sense and avoid capability" means the capability of
 2 "sense and avoid capability" means the capability of
 3 an unmanned aircraft to remain a safe distance from
 4 and to avoid collisions with other airborne aircraft.
 - (3) Public unmanned aircraft system" means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.
 - (4) SMALL UNMANNED AIRCRAFT.—The term "small unmanned aircraft" means an unmanned aircraft weighing less than 55 pounds.
 - (5) Test range.—The term "test range" means a defined geographic area where research and development are conducted.
 - (6) Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.
 - (7) Unmanned aircraft system" means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in

1	command to operate safely and efficiently in the na-
2	tional airspace system.
3	SEC. 322. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS IN
4	TEGRATION PLAN.
5	(a) Integration Plan.—
6	(1) Comprehensive plan.—Not later than 270
7	days after the date of enactment of this Act, the Sec-
8	retary of Transportation, in consultation with rep-
9	resentatives of the aviation industry and the un-
10	manned aircraft systems industry, shall develop a
11	comprehensive plan to safely integrate commercial
12	unmanned aircraft systems into the national airspace
13	system.
14	(2) Minimum requirements.—In developing
15	the plan under paragraph (1), the Secretary shall, as
16	a minimum—
17	(A) review technologies and research than
18	will assist in facilitating the safe integration of
19	commercial unmanned aircraft systems into the
20	national airspace system;
21	(B) provide recommendations or projections
22	for the rulemaking to be conducted under sub-
23	section (b)—

1	(i) to define the acceptable standards
2	for operations and certification of commer-
3	cial unmanned aircraft systems;
4	(ii) to ensure that commercial un-
5	manned aircraft systems include a sense
6	and avoid capability, if necessary for safety
7	purposes; and
8	(iii) to develop standards and require-
9	ments for the operator and pilot of a com-
10	mercial unmanned aircraft system, includ-
11	ing standards and requirements for reg-
12	istration and licensing;
13	(C) recommend how best to enhance the
14	technologies and subsystems necessary to provide
15	for the safe and routine operations of commercial
16	unmanned aircraft systems in the national air-
17	space system; and
18	(D) recommend how a phased-in approach
19	for the integration of commercial unmanned air-
20	craft systems into the national airspace system
21	can best be achieved and a timeline upon which
22	such a phase-in shall occur.
23	(3) Deadline.—The plan to be developed under
24	paragraph (1) shall provide for the safe integration of
25	commercial unmanned aircraft sustems into the na-

1	tional airspace system not later than September 30,
2	2015.
3	(4) Report to congress.—The Secretary shall
4	submit to Congress—
5	(A) not later than one year after the date
6	of enactment of this Act, a copy of the plan de-
7	veloped under paragraph (1); and
8	(B) annually thereafter, a report on the ac-
9	tivities of the Secretary under this section.
10	(b) Rulemaking.—Not later than 18 months after the
11	date on which the integration plan is submitted to Congress
12	under subsection (a)(4), the Administrator of the Federal
13	Aviation Administration shall publish in the Federal Reg-
14	ister a notice of proposed rulemaking to implement the rec-
15	ommendations of the integration plan.
16	SEC. 323. SPECIAL RULES FOR CERTAIN UNMANNED AIR-
17	CRAFT SYSTEMS.
18	(a) In General.—Not later than 180 days after the
19	date of enactment of this Act, the Secretary shall determine
20	if certain unmanned aircraft systems may operate safely
21	in the national airspace system. The Secretary may make
22	such determination before completion of the plan and rule-
23	making required by section 322 of this Act or the guidance
24	required by section 324 of this Act.

1	<i>(b)</i>	Assessment	OF	Unmanned	AIRCRAFT	Sys-
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- 2 TEMS.—In making the determination under subsection (a),
- 3 the Secretary shall determine, at a minimum—
- 4 (1) which types of unmanned aircraft systems, if
- 5 any, as a result of their size, weight, speed, oper-
- 6 ational capability, proximity to airports and popu-
- 7 lation areas, and operation within visual line-of-sight
- 8 do not create a hazard to users of the national air-
- 9 space system or the public or pose a threat to na-
- 10 tional security; and
- 11 (2) whether a certificate of waiver, certificate of
- 12 authorization, or airworthiness certification under
- section 44704 of title 49, United States Code, is re-
- 14 quired for the operation of unmanned aircraft systems
- 15 identified under paragraph (1).
- 16 (c) REQUIREMENTS FOR SAFE OPERATION.—If the
- 17 Secretary determines under this section that certain un-
- 18 manned aircraft systems may operate safely in the national
- 19 airspace system, the Secretary shall establish requirements
- 20 for the safe operation of such aircraft systems in the na-
- 21 tional airspace system.
- 22 SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.
- 23 (a) GUIDANCE.—Not later than 270 days after the date
- 24 of enactment of this Act, the Secretary shall issue guidance

1	regarding the operation of public unmanned aircraft sys-
2	tems to—
3	(1) expedite the issuance of a certificate of au-
4	$thorization\ process;$
5	(2) provide for a collaborative process with pub-
6	lic agencies to allow for an incremental expansion of
7	access to the national airspace system as technology
8	matures. the necessary safety analysis and data be-
9	come available, and until standards are completed
10	and technology issues are resolved; and
11	(3) facilitate the capability of public agencies to
12	develop and use test ranges, subject to operating re-
13	strictions required by the Federal Aviation Adminis-
14	tration, to test and operate unmanned aircraft sys-
15	tems.
16	(b) Standards for Operation and Certifi-
17	Cation.—Not later than December 31, 2015, the Secretary
18	shall develop and implement operational and certification
19	standards for operation of public unmanned aircraft sys-
20	tems.
21	SEC. 325. UNMANNED AIRCRAFT SYSTEMS TEST RANGES.
22	(a) In General.—Not later than one year after the
23	date of enactment of this Act, the Administrator of the Fed-
24	eral Aviation Administration shall establish a program to

1	integrate unmanned aircraft systems into the national air-
2	space system at 4 test ranges.
3	(b) Program Requirements.—In establishing the
4	program under subsection (a), the Administrator shall—
5	(1) safely designate nonexclusionary airspace for
6	integrated manned and unmanned flight operations
7	in the national airspace system;
8	(2) develop certification standards and air traf-
9	fic requirements for unmanned flight operations at
10	test ranges;
11	(3) coordinate with and leverage the resources of
12	the National Aeronautics and Space Administration
13	and the Department of Defense;
14	(4) address both commercial and public un-
15	manned aircraft systems;
16	(5) ensure that the program is coordinated with
17	the Next Generation Air Transportation System; and
18	(6) provide for verification of the safety of un-
19	manned aircraft systems and related navigation pro-
20	cedures before integration into the national airspace
21	system.
22	(c) Test Range Locations.—In determining the lo-
23	cation of the 4 test ranges of the program under subsection
24	(a), the Administrator shall—

1	(1) take into consideration geographic and cli-
2	matic diversity; and
3	(2) after consulting with the Administrator of
4	the National Aeronautics and Space Administration
5	and the Secretary of the Air Force, take into consider-
6	ation the location of available research radars.
7	Subtitle C—Safety and Protections
8	SEC. 331. POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT
9	STANDARDS INSPECTORS.
10	(a) In General.—Section 44711 is amended by add-
11	ing at the end the following:
12	"(d) Postemployment Restrictions for Flight
13	STANDARDS INSPECTORS.—
14	"(1) Prohibition.—A person holding an oper-
15	ating certificate issued under title 14, Code of Federal
16	Regulations, may not knowingly employ, or make a
17	contractual arrangement that permits, an individual
18	to act as an agent or representative of the certificate
19	holder in any matter before the Federal Aviation Ad-
20	ministration if the individual, in the preceding 2-
21	year period—
22	"(A) served as, or was responsible for over-
23	sight of, a flight standards inspector of the Ad-
24	ministration; and

1	"(B) had responsibility to inspect, or over-
2	see inspection of, the operations of the certificate
3	holder.
4	"(2) Written and oral communications.—
5	For purposes of paragraph (1), an individual shall be
6	considered to be acting as an agent or representative
7	of a certificate holder in a matter before the Adminis-
8	tration if the individual makes any written or oral
9	communication on behalf of the certificate holder to
10	the Administration (or any of its officers or employ-
11	ees) in connection with a particular matter, whether
12	or not involving a specific party and without regard
13	to whether the individual has participated in, or had
14	responsibility for, the particular matter while serving
15	as a flight standards inspector of the Administra-
16	tion.".
17	(b) Applicability.—The amendment made by sub-
18	section (a) shall not apply to an individual employed by
19	a certificate holder as of the date of enactment of this Act.
20	SEC. 332. REVIEW OF AIR TRANSPORTATION OVERSIGHT
21	SYSTEM DATABASE.
22	(a) Reviews.—The Administrator of the Federal
23	Aviation Administration shall establish a process by which
24	the air transportation oversight system database of the Ad-
25	ministration is reviewed by regional teams of employees of

1	the Administration, including at least one employee on each
2	team representing aviation safety inspectors, on a monthly
3	basis to ensure that—
4	(1) any trends in regulatory compliance are
5	identified; and
6	(2) appropriate corrective actions are taken in
7	accordance with Administration regulations, advisory
8	directives, policies, and procedures.
9	(b) Monthly Team Reports.—
10	(1) In General.—A regional team of employees
11	conducting a monthly review of the air transportation
12	oversight system database under subsection (a) shall
13	submit to the Administrator, the Associate Adminis-
14	trator for Aviation Safety, and the Director of Flight
15	Standards Service a report each month on the results
16	of the review.
17	(2) Contents.—A report submitted under para-
18	graph (1) shall identify—
19	(A) any trends in regulatory compliance
20	discovered by the team of employees in con-
21	ducting the monthly review; and
22	(B) any corrective actions taken or proposed
23	to be taken in response to the trends.
24	(c) Biannual Reports to Congress.—The Admin-
25	istrator, on a biannual basis, shall submit to the Committee

1	on Transportation and Infrastructure of the House of Rep-
2	resentatives and the Committee on Commerce, Science, and
3	Transportation of the Senate a report on the results of the
4	reviews of the air transportation oversight system database
5	conducted under this section, including copies of reports re-
6	ceived under subsection (b).
7	SEC. 333. IMPROVED VOLUNTARY DISCLOSURE REPORTING
8	SYSTEM.
9	(a) Voluntary Disclosure Reporting Program
10	Defined.—In this section, the term "Voluntary Disclosure
11	Reporting Program" means the program established by the
12	Federal Aviation Administration through Advisory Cir-
13	cular 00-58A, dated September 8, 2006, including any sub-
14	sequent revisions thereto.
15	(b) Verification.—The Administrator of the Federal
16	Aviation Administration shall modify the Voluntary Dis-
17	closure Reporting Program to require inspectors to—
18	(1) verify that air carriers are implementing
19	comprehensive solutions to correct the underlying
20	causes of the violations voluntarily disclosed by such
21	air carriers; and
22	(2) confirm, before approving a final report of a
23	violation, that a violation with the same root causes,
24	has not been previously discovered by an inspector or
25	self-disclosed by the air carrier.

1	(c) Supervisory Review of Voluntary Self-dis-
2	CLOSURES.—The Administrator shall establish a process by
3	which voluntary self-disclosures received from air carriers
4	are reviewed and approved by a supervisor after the initial
5	review by an inspector.
6	(d) Inspector General Study.—
7	(1) In general.—The Inspector General of the
8	Department of Transportation shall conduct a study
9	of the Voluntary Disclosure Reporting Program.
10	(2) Review.—In conducting the study, the In-
11	spector General shall examine, at a minimum, if the
12	Administration—
13	(A) conducts comprehensive reviews of vol-
14	untary disclosure reports before closing a vol-
15	untary disclosure report under the provisions of
16	$the\ program;$
17	(B) evaluates the effectiveness of corrective
18	actions taken by air carriers; and
19	(C) effectively prevents abuse of the vol-
20	untary disclosure reporting program through its
21	secondary review of self-disclosures before they
22	are accepted and closed by the Administration.
23	(3) Report.—Not later than one year after the
24	date of enactment of this Act, the Inspector General
25	shall submit to the Committee on Transportation and

1	Infrastructure of the House of Representatives and
2	Committee on Commerce, Science, and Transpor-
3	tation of the Senate a report on the results of the
4	study conducted under this section.
5	SEC. 334. AVIATION WHISTLEBLOWER INVESTIGATION OF
6	FICE.
7	Section 106 (as amended by this Act) is further
8	amended by adding at the end the following:
9	"(t) Aviation Safety Whistleblower Investiga-
10	TION OFFICE.—
11	"(1) Establishment.—There is established in
12	the Federal Aviation Administration (in this section
13	referred to as the 'Agency') an Aviation Safety Whis-
14	tleblower Investigation Office (in this subsection re-
15	ferred to as the 'Office').
16	"(2) Director.—
17	"(A) APPOINTMENT.—The head of the Office
18	shall be the Director, who shall be appointed by
19	the Secretary of Transportation.
20	"(B) QUALIFICATIONS.—The Director shall
21	have a demonstrated ability in investigations
22	and knowledge of or experience in aviation.
23	"(C) Term.—The Director shall be ap-
24	pointed for a term of 5 years.

1	"(D) Vacancy.—Any individual appointed
2	to fill a vacancy in the position of the Director
3	occurring before the expiration of the term for
4	which the individual's predecessor was appointed
5	shall be appointed for the remainder of that
6	term.
7	"(3) Complaints and investigations.—
8	"(A) Authority of director.—The Di-
9	rector shall—
10	"(i) receive complaints and informa-
11	tion submitted by employees of persons
12	holding certificates issued under title 14,
13	Code of Federal Regulations, and employees
14	of the Agency concerning the possible exist-
15	ence of an activity relating to a violation of
16	an order, regulation, or standard of the
17	Agency or any other provision of Federal
18	law relating to aviation safety;
19	"(ii) assess complaints and informa-
20	tion submitted under clause (i) and deter-
21	mine whether a substantial likelihood exists
22	that a violation of an order, regulation, or
23	standard of the Agency or any other provi-
24	sion of Federal law relating to aviation
25	safety has occurred; and

1	"(iii) based on findings of the assess-
2	ment conducted under clause (ii), make rec-
3	ommendations to the Administrator in
4	writing for further investigation or correc-
5	$tive\ actions.$
6	"(B) Disclosure of identities.—The Di-
7	rector shall not disclose the identity of an indi-
8	vidual who submits a complaint or information
9	$under\ subparagraph\ (A)(i)\ unless$ —
10	"(i) the individual consents to the dis-
11	closure in writing; or
12	"(ii) the Director determines, in the
13	course of an investigation, that the disclo-
14	sure is required by regulation, statute, or
15	court order, or is otherwise unavoidable, in
16	which case the Director shall provide the in-
17	dividual reasonable advanced notice of the
18	disclosure.
19	"(C) Independence of director.—The
20	Secretary, the Administrator, or any officer or
21	employee of the Agency may not prevent or pro-
22	hibit the Director from initiating, carrying out,
23	or completing any assessment of a complaint or
24	information submitted under subparagraph

1 (A)(i) or from reporting to Congress on any such 2 assessment.

"(D) Access to information.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred.

"(4) RESPONSES TO RECOMMENDATIONS.—Not later than 60 days after the date on which the Administrator receives a report with respect to an investigation, the Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

"(5) Incident reports.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to

1	aviation safety has occurred that requires immediate
2	corrective action, the Director shall report the poten-
3	tial violation expeditiously to the Administrator and
4	the Inspector General of the Department of Transpor-
5	tation.
6	"(6) Reporting of criminal violations to
7	Inspector general.—If the Director has reasonable
8	grounds to believe that there has been a violation of
9	Federal criminal law, the Director shall report the
10	violation expeditiously to the Inspector General.
11	"(7) Annual reports to congress.—Not later
12	than October 1 of each year, the Director shall submit
13	to Congress a report containing—
14	"(A) information on the number of submis-
15	sions of complaints and information received by
16	the Director under paragraph $(3)(A)(i)$ in the
17	preceding 12-month period;
18	"(B) summaries of those submissions;
19	"(C) summaries of further investigations
20	and corrective actions recommended in response
21	to the submissions; and
22	"(D) summaries of the responses of the Ad-
23	ministrator to such recommendations"

1	SEC.	<i>335</i> .	DUTY	PERIODS	AND	FLIGHT	TIME	LIMITATIONS
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')	ADDITION DI ETTO EL LOUTE ODEWMEMDEDO
\angle	APPLICABLE TO FLIGHT CREWMEMBERS.

- 3 (a) Rulemaking on Applicability of Part 121
- 4 Duty Periods and Flight Time Limitations to Part
- 5 91 Operations.—Not later than 180 days after the date
- 6 of enactment of this Act, the Administrator of the Federal
- 7 Aviation Administration shall initiate a rulemaking pro-
- 8 ceeding, if such a proceeding has not already been initiated,
- 9 to require a flight crewmember who is employed by an air
- 10 carrier conducting operations under part 121 of title 14,
- 11 Code of Federal Regulations, and who accepts an additional
- 12 assignment for flying under part 91 of such title from the
- 13 air carrier or from any other air carrier conducting oper-
- 14 ations under part 121 or 135 of such title, to apply the
- 15 period of the additional assignment (regardless of whether
- 16 the assignment is performed by the flight crewmember before
- 17 or after an assignment to fly under part 121 of such title)
- 18 toward any limitation applicable to the flight crewmember
- 19 relating to duty periods or flight times under part 121 of
- 20 such title.
- 21 (b) Rulemaking on Applicability of Part 135
- 22 Duty Periods and Flight Time Limitations to Part
- 23 91 Operations.—Not later than one year after the date
- 24 of enactment of this Act, the Administrator shall initiate
- 25 a rulemaking proceeding to require a flight crewmember
- 26 who is employed by an air carrier conducting operations

1	under part 135 of title 14, Code of Federal Regulations,
2	and who accepts an additional assignment for flying under
3	part 91 of such title from the air carrier or any other air
4	carrier conducting operations under part 121 or 135 of such
5	title, to apply the period of the additional assignment (re-
6	gardless of whether the assignment is performed by the flight
7	crewmember before or after an assignment to fly under part
8	135 of such title) toward any limitation applicable to the
9	flight crewmember relating to duty periods or flight times
10	under part 135 of such title.
11	(c) Separate Rulemaking Proceedings Re-
12	QUIRED.—The rulemaking proceeding required under sub-
13	section (b) shall be separate from the rulemaking proceeding
14	required under subsection (a).
15	TITLE IV—AIR SERVICE
16	<i>IMPROVEMENTS</i>
17	Subtitle A—Essential Air Service
18	SEC. 401. ESSENTIAL AIR SERVICE MARKETING.
19	Section 41733(c)(1) is amended—
20	(1) by redesignating subparagraph (E) as sub-
21	paragraph (F);
22	(2) by striking "and" at the end of subpara-
23	graph (D); and
24	(3) by inserting after subparagraph (D) the fol-
25	lowina:

1	"(E) whether the air carrier has included a plan
2	in its proposal to market its services to the commu-
3	nity; and".
4	SEC. 402. NOTICE TO COMMUNITIES PRIOR TO TERMI-
5	NATION OF ELIGIBILITY FOR SUBSIDIZED ES-
6	SENTIAL AIR SERVICE.
7	Section 41733 is amended by adding at the end the
8	following:
9	"(f) Notice to Communities Prior to Termi-
10	NATION OF ELIGIBILITY.—
11	"(1) In General.—The Secretary shall notify
12	each community receiving basic essential air service
13	for which compensation is being paid under this sub-
14	chapter on or before the 45th day before issuing any
15	final decision to end the payment of such compensa-
16	tion due to a determination by the Secretary that
17	providing such service requires a rate of subsidy per
18	passenger in excess of the subsidy cap.
19	"(2) Procedures to avoid termination.—
20	The Secretary shall establish, by order, procedures by
21	which each community notified of an impending loss
22	of subsidy under paragraph (1) may work directly
23	with an air carrier to ensure that the air carrier is
24	able to submit a proposal to the Secretary to provide
25	essential air service to such community for an

1	amount of compensation that would not exceed the
2	subsidy cap.
3	"(3) Assistance provided.—The Secretary
4	shall provide, by order, to each community notified
5	under paragraph (1) information regarding—
6	"(A) the procedures established pursuant to
7	paragraph (2); and
8	"(B) the maximum amount of compensation
9	that could be provided under this subchapter to
10	an air carrier serving such community that
11	would comply with the subsidy cap.
12	"(4) Subsidy cap defined.—In this subsection,
13	the term 'subsidy cap' means the subsidy cap estab-
14	lished by section 332 of Public Law 106–69 (113
15	Stat. 1022).".
16	SEC. 403. ESSENTIAL AIR SERVICE CONTRACT GUIDELINES.
17	(a) Compensation Guidelines.—Section
18	41737(a)(1) is amended—
19	(1) by striking "and" at the end of subpara-
20	graph(B);
21	(2) in subparagraph (C) by striking the period
22	at the end and inserting a semicolon; and
23	(3) by adding at the end the following:
24	"(D) include provisions under which the Sec-
25	retary may encourage an air carrier to improve air

- 1 service for which compensation is being paid under
- 2 this subchapter by incorporating financial incentives
- 3 in an essential air service contract based on specified
- 4 performance goals, including goals related to improv-
- 5 ing on-time performance, reducing the number of
- 6 flight cancellations, establishing convenient connec-
- 7 tions to flights providing service beyond hub airports,
- 8 and increasing marketing efforts; and
- 9 "(E) include provisions under which the Sec-
- 10 retary may execute a long-term essential air service
- 11 contract to encourage an air carrier to provide air
- service to an eligible place if it would be in the public
- interest to do so.".
- 14 (b) Deadline for Issuance of Revised Guid-
- 15 ANCE.—Not later than 18 months after the date of enact-
- 16 ment of this Act, the Secretary of Transportation shall issue
- 17 revised guidelines governing the rate of compensation pay-
- 18 able under subchapter II of chapter 417 of title 49, United
- 19 States Code, that incorporate the amendments made by this
- 20 section.
- 21 (c) Report.—Not later than 2 years after the date of
- 22 issuance of revised guidelines pursuant to subsection (b),
- 23 the Secretary shall submit to the Committee on Transpor-
- 24 tation and Infrastructure of the House of Representatives
- 25 and the Committee on Commerce, Science, and Transpor-

1	tation of the Senate a report on the extent to which the
2	revised guidelines have been implemented and the impact,
3	if any, such implementation has had on air carrier per-
4	formance and community satisfaction with air service for
5	which compensation is being paid under subchapter II of
6	chapter 417 of title 49, United States Code.
7	SEC. 404. ESSENTIAL AIR SERVICE REFORM.
8	(a) Authorization.—Section 41742(a)(1) is amend-
9	ed—
10	(1) by striking "the sum of \$50,000,000 is" and
11	inserting "the following sums are"; and
12	(2) by striking "subchapter for each fiscal year."
13	and inserting "subchapter:
14	``(A) \$50,000,000 for each fiscal year
15	through fiscal year 2013.
16	"(B) The amount necessary, as determined
17	by the Secretary, to carry out the essential air
18	service program in Alaska and Hawaii for fiscal
19	year 2014 and each fiscal year thereafter.".
20	(b) Additional Funds.—Section 41742(a)(2) is
21	amended by striking "there is authorized to be appropriated
22	\$77,000,000 for each fiscal year" and inserting "there is
23	authorized to be appropriated out of the Airport and Air-
24	way Trust Fund established under section 9502 of the Inter-
25	nal Revenue Code of 1986 \$97,500,000 for fiscal year 2011,

1	\$60,000,000 for fiscal year 2012, and \$30,000,000 for fiscal
2	year 2013".
3	(c) Administering Program Within Available
4	Funding.—Section 41742(b) is amended to read as follows.
5	"(b) Administering Program Within Available
6	Funding.—Notwithstanding any other provision of law,
7	the Secretary is authorized to take such actions as may be
8	necessary to administer the essential air service program
9	under this subchapter within the amount of funding made
10	available for the program.".
11	SEC. 405. SMALL COMMUNITY AIR SERVICE.
12	(a) Priorities.—Section 41743(c)(5) is amended—
13	(1) by striking "and" at the end of subpara-
14	graph(D);
15	(2) in subparagraph (E) by striking "fashion."
16	and inserting "fashion; and"; and
17	(3) by adding at the end the following:
18	"(F) multiple communities cooperate to sub-
19	mit a regional or multistate application to con-
20	solidate air service into one regional airport.".
21	(b) Authority To Make Agreements.—Section
22	41743(e) is amended to read as follows:
23	"(e) Authority To Make Agreements.—Subject to
24	the availability of amounts made available under section

1	41742(a)(4)(A), the Secretary may make agreements to pro-
2	vide assistance under this section.".
3	SEC. 406. ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-
4	CANTLY INCREASED COSTS.
5	(a) Emergency Across-The-Board Adjustment.—
6	Subject to the availability of funds, the Secretary of Trans-
7	portation may increase the rates of compensation payable
8	to air carriers under subchapter II of chapter 417 of title
9	49, United States Code, to compensate such carriers for in-
10	creased aviation fuel costs without regard to any agreement
11	or requirement relating to the renegotiation of contracts or
12	any notice requirement under section 41734 of such title.
13	(b) Expedited Process for Adjustments to Indi-
14	vidual Contracts.—
15	(1) In General.—Section 41734(d) is amended
16	by striking "continue to pay" and all that follows
17	through "compensation sufficient" and inserting
18	"provide the carrier with compensation sufficient".
19	(2) Effective date.—The amendment made by
20	paragraph (1) shall apply to compensation to air car-
21	riers for air service provided after the 30th day fol-
22	lowing the date of enactment of this Act.
23	(c) Subsidy Cap.—Subject to the availability of funds,
24	the Secretary may waive, on a case-by-case basis, the sub-
25	sidy-per-passenger cap established by section 332 of Public

- 1 Law 106-69 (113 Stat. 1022). A waiver issued under this
- 2 subsection shall remain in effect for a limited period of
- 3 time, as determined by the Secretary.
- 4 SEC. 407. REPEAL OF EAS LOCAL PARTICIPATION PRO-
- 5 GRAM.
- 6 Section 41747, and the item relating to section 41747
- 7 in the analysis for chapter 417, are repealed.
- 8 SEC. 408. SUNSET OF ESSENTIAL AIR SERVICE PROGRAM.
- 9 (a) In General.—Subchapter II of chapter 417 is
- 10 amended by adding at the end the following:
- 11 "§ 41749. Sunset
- 12 "(a) In General.—Except as provided in subsection
- 13 (b), the authority of the Secretary of Transportation to
- 14 carry out the essential air service program under this sub-
- 15 chapter shall sunset on October 1, 2013.
- 16 "(b) Alaska and Hawaii.—The Secretary may con-
- 17 tinue to carry out the essential air service program under
- 18 this subchapter in Alaska and Hawaii following the sunset
- 19 date specified in subsection (a).".
- 20 (b) Conforming Amendment.—The analysis for
- 21 chapter 417 is amended by inserting after the item relating
- 22 to section 41748 the following:

[&]quot;41749. Sunset.".

Subtitle B—Passenger Air Service 1 *Improvements* 2 SEC. 421. SMOKING PROHIBITION. (a) In General.—Section 41706 is amended— 4 5 (1) in the section heading by striking "**sched**-6 uled" and inserting "passenger"; and 7 (2) by striking subsections (a) and (b) and in-8 serting the following: 9 "(a) Smoking Prohibition in Interstate and Intrastate Air Transportation.—An individual may not smoke— 11 12 "(1) in an aircraft in scheduled passenger inter-13 state or intrastate air transportation; or 14 "(2) in an aircraft in nonscheduled passenger 15 interstate or intrastate air transportation, if a flight 16 attendant is a required crewmember on the aircraft 17 (as determined by the Administrator of the Federal 18 Aviation Administration). 19 "(b) Smoking Prohibition in Foreign Air Trans-PORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smok-22 ing— 23 "(1) in an aircraft in scheduled passenger for-24 eign air transportation; and

1	"(2) in an aircraft in nonscheduled passenger
2	foreign air transportation, if a flight attendant is a
3	required crewmember on the aircraft (as determined
4	by the Administrator or a foreign government).".
5	(b) Clerical Amendment.—The analysis for chapter
6	417 is amended by striking the item relating to section
7	41706 and inserting the following:
	"41706. Prohibitions against smoking on passenger flights.".
8	SEC. 422. MONTHLY AIR CARRIER REPORTS.
9	(a) In General.—Section 41708 is amended by add-
10	ing at the end the following:
11	"(c) Diverted and Cancelled Flights.—
12	"(1) Monthly reports.—The Secretary shall
13	require an air carrier referred to in paragraph (2) to
14	file with the Secretary a monthly report on each flight
15	of the air carrier that is diverted from its scheduled
16	destination to another airport and each flight of the
17	air carrier that departs the gate at the airport at
18	which the flight originates but is cancelled before
19	wheels-off $time$.
20	"(2) Applicability.—An air carrier that is re-
21	quired to file a monthly airline service quality per-
22	formance report pursuant to part 234 of title 14,
23	Code of Federal Regulations, shall be subject to the re-
24	quirement of paragraph (1).

1	"(3) Contents.—A monthly report filed by an
2	air carrier under paragraph (1) shall include, at a
3	minimum, the following information:
4	"(A) For a diverted flight—
5	"(i) the flight number of the diverted
6	flight;
7	"(ii) the scheduled destination of the
8	flight;
9	"(iii) the date and time of the flight;
10	"(iv) the airport to which the flight
11	was diverted;
12	"(v) wheels-on time at the diverted air-
13	port;
14	"(vi) the time, if any, passengers
15	deplaned the aircraft at the diverted air-
16	port; and
17	"(vii) if the flight arrives at the sched-
18	uled destination airport—
19	"(I) the gate-departure time at the
20	$diverted\ airport;$
21	"(II) the wheels-off time at the di-
22	$verted\ airport;$
23	"(III) the wheels-on time at the
24	scheduled arrival airport; and

1	"(IV) the gate-arrival time at the
2	scheduled arrival airport.
3	"(B) For flights cancelled after gate depar-
4	ture—
5	"(i) the flight number of the cancelled
6	f light;
7	"(ii) the scheduled origin and destina-
8	tion airports of the cancelled flight;
9	"(iii) the date and time of the can-
10	$celled\ flight;$
11	"(iv) the gate-departure time of the
12	cancelled flight; and
13	"(v) the time the aircraft returned to
14	$the\ gate.$
15	"(4) Publication.—The Secretary shall compile
16	the information provided in the monthly reports filed
17	pursuant to paragraph (1) in a single monthly report
18	and publish such report on the Internet Web site of
19	the Department of Transportation.".
20	(b) Effective Date.—Beginning not later than 90
21	days after the date of enactment of this Act, the Secretary
22	of Transportation shall require monthly reports pursuant
23	to the amendment made by subsection (a).

1	SEC. 423. FLIGHT OPERATIONS AT RONALD REAGAN WASH-
2	INGTON NATIONAL AIRPORT.
3	(a) Beyond-Perimeter Exemptions.—Section
4	41718(a) is amended—
5	(1) by striking "Secretary" the first place it ap-
6	pears and inserting "Secretary of Transportation";
7	and
8	(2) by striking "24" and inserting "34".
9	(b) Limitations.—Section 41718(c)(2) is amended by
10	striking "3 operations" and inserting "5 operations".
11	(c) Slots.—Section 41718(c) is amended—
12	(1) by redesignating paragraphs (3) and (4) as
13	paragraphs (4) and (5), respectively; and
14	(2) by inserting after paragraph (2) the fol-
15	lowing:
16	"(3) Slots.—The Secretary shall reduce the
17	hourly air carrier slot quota for Ronald Reagan
18	Washington National Airport under section 93.123(a)
19	of title 14, Code of Federal Regulations, by a total of
20	10 slots that are available for allocation. Such reduc-
21	tions shall be taken in the 6:00 a.m., 10:00 p.m., or
22	11:00 p.m. hours, as determined by the Secretary, in
23	order to grant exemptions under subsection (a).".
24	(d) Scheduling Priority.—Section 41718 is amend-
25	ed—

1	(1) by redesignating subsections (e) and (f) as
2	subsections (f) and (g), respectively; and
3	(2) by inserting after subsection (d) the fol-
4	lowing:
5	"(e) Scheduling Priority.—Operations conducted
6	by new entrant air carriers and limited incumbent air car-
7	riers shall be provided a scheduling priority over operations
8	conducted by other air carriers granted exemptions pursu-
9	ant to this section, with the highest scheduling priority pro-
10	vided to beyond-perimeter operations conducted by the new
11	entrant air carriers and limited incumbent air carriers.".
12	SEC. 424. MUSICAL INSTRUMENTS.
13	(a) In General.—Subchapter I of chapter 417 is
14	amended by adding at the end the following:
15	"§ 41724. Musical instruments
16	"(a) Instruments in Passenger Compartment.—
17	An air carrier providing air transportation shall permit
18	a passenger to carry a musical instrument in a closet, bag-
19	gage compartment, or cargo stowage compartment (ap-
20	proved by the Administrator of the Federal Aviation Ad-
21	ministration) in the passenger compartment of the aircraft
22	used to provide such transportation if—
23	"(1) the instrument can be stowed in accordance
24	with the requirements for carriage of carry-on bag-
25	gage or cargo set forth by the Administrator; and

1	"(2) there is space for such stowage on the air-
2	craft.
3	"(b) Large Instruments in Passenger Compart-
4	MENT.—An air carrier providing air transportation shall
5	permit a passenger to carry a musical instrument that is
6	too large to be secured in a closet, baggage compartment,
7	or cargo stowage compartment pursuant to subsection (a)
8	in the passenger compartment of the aircraft used to pro-
9	vide such transportation if—
10	"(1) the instrument can be stowed in accordance
11	with the requirements for carriage of carry-on bag-
12	gage or cargo set forth by the Administrator; and
13	"(2) the passenger has purchased a seat to ac-
14	commodate the instrument.
15	"(c) Instruments as Checked Baggage.—An air
16	carrier providing air transportation shall transport as bag-
17	gage a musical instrument that may not be carried in the
18	passenger compartment of the aircraft used to provide such
19	transportation pursuant to subsection (a) or (b) and that
20	is the property of a passenger on the aircraft if—
21	"(1) the sum of the length, width, and height of
22	the instrument (measured in inches of the outside lin-
23	ear dimensions of the instrument, including the case)
24	does not exceed 150 inches or the size restrictions for
25	that aircraft;

1	"(2) the weight of the instrument does not exceed
2	165 pounds or the weight restrictions for that air-
3	craft; and
4	"(3) the instrument can be stowed in accordance
5	with the requirements for carriage of baggage or cargo
6	set forth by the Administrator.
7	"(d) Air Carrier Terms.—Nothing in this section
8	shall be construed as prohibiting an air carrier from lim-
9	iting the carrier's liability for carrying a musical instru-
10	ment or requiring a passenger to purchase insurance to
11	cover the value of a musical instrument transported by the
12	carrier.".
13	(b) Regulations.—The Secretary of Transportation
14	may prescribe such regulations as may be necessary or ap-
15	propriate to implement the amendment made by subsection
16	(a).
17	(c) Clerical Amendment.—The analysis for such
18	subchapter is amended by adding at the end the following:
	"41724. Musical instruments.".
19	SEC. 425. PASSENGER AIR SERVICE IMPROVEMENTS.
20	(a) In General.—Subtitle VII is amended by insert-
21	ing after chapter 421 the following:
22	"CHAPTER 423—PASSENGER AIR SERVICE
23	<i>IMPROVEMENTS</i>
	"Sec.

[&]quot;42301. Emergency contingency plans.

"42302. Consumer complaints. "42303. Use of insecticides in passenger aircraft. 1 "§ 42301. Emergency contingency plans 2 "(a) Submission of Air Carrier and Airport 3 Plans.—Not later than 90 days after the date of enactment of this section, each of the following air carriers and airport operators shall submit to the Secretary of Transportation 5 for review and approval an emergency contingency plan in 7 accordance with the requirements of this section: 8 "(1) An air carrier providing covered air trans-9 portation at a large hub or medium hub airport. 10 "(2) An operator of a large hub or medium hub airport. 12 "(3) An operator of an airport used by an air 13 carrier described in paragraph (1) for diversions. "(b) AIR CARRIER PLANS.— 14 "(1) Plans for individual airports.—An air 15 16 carrier shall submit an emergency contingency plan 17 under subsection (a) for— 18 "(A) each large hub and medium hub air-19 port at which the carrier provides covered air

transportation; and

tory control.

"(B) each large hub and medium hub air-

port at which the carrier has flights for which

the carrier has primary responsibility for inven-

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1	"(2) Contents.—An emergency contingency
2	plan submitted by an air carrier for an airport under
3	subsection (a) shall contain a description of how the
4	carrier will—
5	"(A) provide food, potable water, restroom
6	facilities, and access to medical treatment for
7	passengers onboard an aircraft at the airport
8	that is on the ground for an extended period of
9	time without access to the terminal;
10	"(B) allow passengers to deplane following
11	excessive tarmac delays; and
12	"(C) share facilities and make gates avail-
13	able at the airport in an emergency.
14	"(c) AIRPORT PLANS.—An emergency contingency
15	plan submitted by an airport operator under subsection (a)
16	shall contain a description of how the operator, to the max-
17	imum extent practicable, will—
18	"(1) provide for the deplanement of passengers
19	following excessive tarmac delays;
20	"(2) provide for the sharing of facilities and
21	make gates available at the airport in an emergency;
22	and
23	"(3) provide a sterile area following excessive
24	tarmac delays for passengers who have not yet cleared
25	U.S. Customs and Border Protection.

"(d) UPDATES.—

"(1) AIR CARRIERS.—An air carrier shall update the emergency contingency plan submitted by the carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

"(2) AIRPORTS.—An airport operator shall update the emergency contingency plan submitted by the operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

"(e) APPROVAL.—

"(1) In General.—Not later than 60 days after the date of the receipt of an emergency contingency plan submitted under subsection (a) or an update submitted under subsection (d), the Secretary shall review and approve or, if necessary, require modifications to the plan or update to ensure that the plan or update will effectively address emergencies and provide for the health and safety of passengers.

"(2) Failure to approve or require modifications to a plan or update under paragraph (1) within the timeframe specified in that paragraph, the plan or update shall be deemed to be approved.

1	"(3) Adherence required.—An air carrier or
2	airport operator shall adhere to an emergency contin-
3	gency plan of the carrier or operator approved under
4	this section.
5	"(f) Minimum Standards.—The Secretary may estab-
6	lish, as necessary or desirable, minimum standards for ele-
7	ments in an emergency contingency plan required to be sub-
8	mitted under this section.
9	"(g) Public Access.—An air carrier or airport oper-
10	ator required to submit an emergency contingency plan
11	under this section shall ensure public access to the plan
12	after its approval under this section on the Internet Web
13	site of the carrier or operator or by such other means as
14	determined by the Secretary.
15	"(h) Definitions.—In this section, the following defi-
16	nitions apply:
17	"(1) Covered air transportation.—The term
18	'covered air transportation' means scheduled or public
19	charter passenger air transportation provided by an
20	air carrier that operates an aircraft that as origi-
21	nally designed has a passenger capacity of 30 or more
22	seats.
23	"(2) TARMAC DELAY.—The term 'tarmac delay'
24	means the period during which passengers are on
25	board an aircraft on the tarmac—

1	"(A) awaiting takeoff after the aircraft
2	doors have been closed or after passengers have
3	been boarded if the passengers have not been ad-
4	vised they are free to deplane; or
5	"(B) awaiting deplaning after the aircraft
6	$has\ landed.$
7	"§ 42302. Consumer complaints
8	"(a) In General.—The Secretary of Transportation
9	shall establish a consumer complaints toll-free hotline tele-
10	phone number for the use of passengers in air transpor-
11	tation and shall take actions to notify the public of—
12	"(1) that telephone number; and
13	"(2) the Internet Web site of the Aviation Con-
14	sumer Protection Division of the Department of
15	Transportation.
16	"(b) Notice to Passengers on the Internet.—An
17	air carrier or foreign air carrier providing scheduled air
18	transportation using any aircraft that as originally de-
19	signed has a passenger capacity of 30 or more passenger
20	seats shall include on the Internet Web site of the carrier—
21	"(1) the hotline telephone number established
22	under subsection (a);
23	"(2) the email address, telephone number, and
24	mailing address of the air carrier for the submission

1	of complaints by passengers about air travel service
2	problems; and
3	"(3) the Internet Web site and mailing address
4	of the Aviation Consumer Protection Division of the
5	Department of Transportation for the submission of
6	complaints by passengers about air travel service
7	problems.
8	"(c) Notice to Passengers on Boarding Docu-
9	MENTATION.—An air carrier or foreign air carrier pro-
10	viding scheduled air transportation using any aircraft that
11	as originally designed has a passenger capacity of 30 or
12	more passenger seats shall include the hotline telephone
13	number established under subsection (a) on—
14	"(1) prominently displayed signs of the carrier
15	at the airport ticket counters in the United States
16	where the air carrier operates; and
17	"(2) any electronic confirmation of the purchase
18	of a passenger ticket for air transportation issued by
19	the air carrier.
20	"§ 42303. Use of insecticides in passenger aircraft
21	"(a) Information To Be Provided on the Inter-
22	NET.—The Secretary of Transportation shall establish, and
23	make available to the general public, an Internet Web site
24	that contains a listing of countries that may require an
25	air carrier or foreign air carrier to treat an aircraft pas-

1 senger cabin with insecticides prior to a flight in foreign

 $2\ \ \mathit{air\ transportation\ to\ that\ country\ or\ to\ apply\ an\ aerosol}$

3	insecticide in an aircraft cabin used for such a flight when
4	the cabin is occupied with passengers.
5	"(b) Required Disclosures.—An air carrier, for-
6	eign air carrier, or ticket agent selling, in the United
7	States, a ticket for a flight in foreign air transportation
8	to a country listed on the Internet Web site established
9	under subsection (a) shall refer the purchaser of the ticket
10	to the Internet Web site established under subsection (a) for
11	additional information.".
12	(b) Penalties.—Section 46301 is amended in sub-
13	sections (a)(1)(A) and (c)(1)(A) by inserting "chapter 423,"
14	after "chapter 421,".
15	(c) Applicability of Requirements.—Except as
16	otherwise provided, the requirements of chapter 423 of title
17	49, United States Code, as added by this section, shall begin
18	to apply 60 days after the date of enactment of this Act.
19	(d) Clerical Amendment.—The analysis for subtitle
20	VII is amended by inserting after the item relating to chap-
21	ter 421 the following:
	"423. Passenger Air Service Improvements
22	SEC. 426. AIRFARES FOR MEMBERS OF THE ARMED FORCES.
23	(a) FINDINGS.—Congress finds that—
24	(1) the Armed Forces is comprised of approxi-
25	mately 1,450,000 members who are stationed on ac-
	•HR 658 RH

1	tive duty at more than 6,000 military bases in 146
2	different countries;
3	(2) the United States is indebted to the members
4	of the Armed Forces, many of whom are in grave
5	danger due to their engagement in, or exposure to,
6	combat;
7	(3) military service, especially in the current
8	war against terrorism, often requires members of the
9	Armed Forces to be separated from their families on
10	short notice, for long periods of time, and under very
11	$stressful\ conditions;$
12	(4) the unique demands of military service often
13	preclude members of the Armed Forces from pur-
14	chasing discounted advance airline tickets in order to
15	visit their loved ones at home; and
16	(5) it is the patriotic duty of the people of the
17	United States to support the members of the Armed
18	Forces who are defending the Nation's interests
19	around the world at great personal sacrifice.
20	(b) Sense of Congress.—It is the sense of Congress
21	that—
22	(1) all United States commercial air carriers
23	should seek to lend their support with flexible, gen-
24	erous policies applicable to members of the Armed

1	Forces who are traveling on leave or liberty at their
2	own expense; and
3	(2) each United States air carrier, for all mem-
4	bers of the Armed Forces who have been granted leave
5	or liberty and who are traveling by air at their own
6	expense, should—
7	(A) seek to provide reduced air fares that
8	are comparable to the lowest airfare for ticketed
9	flights and that eliminate to the maximum ex-
10	tent possible advance purchase requirements;
11	(B) seek to eliminate change fees or charges
12	and any penalties;
13	(C) seek to eliminate or reduce baggage and
14	excess weight fees;
15	(D) offer flexible terms that allow members
16	to purchase, modify, or cancel tickets without
17	time restrictions, and to waive fees (including
18	baggage fees), ancillary costs, or penalties; and
19	(E) seek to take proactive measures to en-
20	sure that all airline employees, particularly
21	those who issue tickets and respond to members
22	of the Armed Forces and their family members,
23	are trained in the policies of the airline aimed
24	at benefitting members of the Armed Forces who
25	are on leave.

1	SEC. 427. REVIEW OF AIR CARRIER FLIGHT DELAYS, CAN-
2	CELLATIONS, AND ASSOCIATED CAUSES.
3	(a) Review.—The Inspector General of the Depart-
4	ment of Transportation shall conduct a review regarding
5	air carrier flight delays, cancellations, and associated
6	causes to update its 2000 report numbered CR-2000-112
7	and titled "Audit of Air Carrier Flight Delays and Can-
8	cellations".
9	(b) Assessments.—In conducting the review under
10	subsection (a), the Inspector General shall assess—
11	(1) the need for an update on delay and can-
12	cellation statistics, including with respect to the num-
13	ber of chronically delayed flights and taxi-in and
14	taxi-out times;
15	(2) air carriers' scheduling practices;
16	(3) the need for a reexamination of capacity
17	benchmarks at the Nation's busiest airports;
18	(4) the impact of flight delays and cancellations
19	on air travelers, including recommendations for pro-
20	grams that could be implemented to address the im-
21	pact of flight delays on air travelers;
22	(5) the effect that limited air carrier service op-
23	tions on routes have on the frequency of delays and
24	cancellations on such routes:

1	(6) the effect of the rules and regulations of the
2	Department of Transportation on the decisions of air
3	carriers to delay or cancel flights; and
4	(7) the impact of flight delays and cancellations
5	on the airline industry.
6	(c) Report.—Not later than one year after the date
7	of enactment of this Act, the Inspector General shall submit
8	to the Committee on Transportation and Infrastructure of
9	the House of Representatives and the Committee on Com-
10	merce, Science, and Transportation of the Senate a report
11	on the results of the review conducted under this section,
12	including the assessments described in subsection (b).
13	SEC. 428. DENIED BOARDING COMPENSATION.
14	(a) Evaluation of Denied Boarding Compensa-
15	TION.—Not later than 6 months after the date of enactment
16	of this Act, and every 2 years thereafter, the Secretary of
17	Transportation shall evaluate the amount provided by air
18	carriers for denied boarding compensation.
19	(b) Adjustment of Amount.—If, upon completing
20	an evaluation required under subsection (a), the Secretary
21	determines that the amount provided for denied boarding
22	compensation should be adjusted, the Secretary shall issue
23	a regulation to adjust such compensation

1	SEC. 429. COMPENSATION FOR DELAYED BAGGAGE.
2	(a) Study.—The Comptroller General shall conduct a
3	study to—
4	(1) examine delays in the delivery of checked
5	baggage to passengers of air carriers; and
6	(2) assess the options for and examine the im-
7	pact of establishing minimum standards to com-
8	pensate a passenger in the case of an unreasonable
9	delay in the delivery of checked baggage.
10	(b) Consideration.—In conducting the study, the
11	Comptroller General shall take into account the additional
12	fees for checked baggage that are imposed by many air car-
13	riers and how the additional fees should improve an air
14	carrier's baggage performance.
15	(c) Report.—Not later than 180 days after the date
16	of enactment of this Act, the Comptroller General shall
17	transmit to Congress a report on the results of the study.
18	SEC. 430. SCHEDULE REDUCTION.
19	(a) In General.—If the Administrator of the Federal
20	Aviation Administration determines that—
21	(1) the aircraft operations of air carriers during
22	any hour at an airport exceed the hourly maximum
23	departure and arrival rate established by the Admin-
24	istrator for such operations; and
25	(2) the operations in excess of the maximum de-
26	parture and arrival rate for such hour at such air-

1	port are likely to have a significant adverse effect on
2	the safe and efficient use of navigable airspace,
3	the Administrator shall convene a meeting of such carriers
4	to reduce pursuant to section 41722 of title 49, United
5	States Code, on a voluntary basis, the number of such oper-
6	ations so as not to exceed the maximum departure and ar-
7	rival rate.
8	(b) No Agreement.—If the air carriers participating
9	in a meeting with respect to an airport under subsection
10	(a) are not able to agree to a reduction in the number of
11	flights to and from the airport so as not to exceed the max-
12	imum departure and arrival rate, the Administrator shall
13	take such action as is necessary to ensure such reduction
14	is implemented.
15	SEC. 431. DOT AIRLINE CONSUMER COMPLAINT INVESTIGA-
16	TIONS.
17	The Secretary of Transportation may investigate con-
18	sumer complaints regarding—
19	(1) flight cancellations;
20	(2) compliance with Federal regulations con-
21	cerning overbooking seats on flights;
22	(3) lost, damaged, or delayed baggage, and dif-
23	ficulties with related airline claims procedures;
24	(4) problems in obtaining refunds for unused or
25	lost tickets or fare adjustments:

1	(5) incorrect or incomplete information about
2	fares, discount fare conditions and availability, over-
3	charges, and fare increases;
4	(6) the rights of passengers who hold frequent
5	flyer miles or equivalent redeemable awards earned
6	through customer-loyalty programs; and
7	(7) deceptive or misleading advertising.
8	SEC. 432. STUDY OF OPERATORS REGULATED UNDER PART
9	135.
10	(a) Study Required.—The Administrator of the Fed-
11	eral Aviation Administration, in consultation with inter-
12	ested parties, shall conduct a study of operators regulated
13	under part 135 of title 14, Code of Federal Regulations.
14	(b) Contents.—In conducting the study under sub-
15	section (a), the Administrator shall analyze the part 135
16	fleet in the United States, which shall include analysis of—
17	(1) the size and type of aircraft in the fleet;
18	(2) the equipment utilized by the fleet;
19	(3) the hours flown each year by the fleet;
20	(4) the utilization rates with respect to the fleet;
21	(5) the safety record of various categories of use
22	and aircraft types with respect to the fleet, through a
23	review of the database of the National Transportation
24	Safety Board;
25	(6) the sales revenues of the fleet; and

1	(7) the number of passengers and airports served
2	by the fleet.
3	(c) Report.—
4	(1) Initial report.—Not later than 18 months
5	after the date of enactment of this Act, the Adminis-
6	trator shall submit to the Committee on Transpor-
7	tation and Infrastructure of the House of Representa-
8	tives and the Committee on Commerce, Science, and
9	Transportation of the Senate a report on the results
10	of the study conducted under subsection (a).
11	(2) UPDATES.—Not later than 3 years after the
12	date of the submission of the report required under
13	paragraph (1), and every 2 years thereafter, the Ad-
14	ministrator shall update the report required under
15	that paragraph and submit the updated report to the
16	committees specified in that paragraph.
17	SEC. 433. USE OF CELL PHONES ON PASSENGER AIRCRAFT.
18	(a) Cell Phone Study.—Not later than 120 days
19	after the date of enactment of this Act, the Administrator
20	of the Federal Aviation Administration shall conduct a
21	study on the impact of the use of cell phones for voice com-
22	munications in an aircraft during a flight in scheduled
23	passenger air transportation where currently permitted by
24	foreign governments in foreign air transportation.
25	(b) Contents.—The study shall include—

1	(1) a review of foreign government and air car-
2	rier policies on the use of cell phones during flight;
3	(2) a review of the extent to which passengers use
4	cell phones for voice communications during flight;
5	and
6	(3) a summary of any impacts of cell phone use
7	during flight on safety, the quality of the flight expe-
8	rience of passengers, and flight attendants.
9	(c) Comment Period.—Not later than 180 days after
10	the date of enactment of this Act, the Administrator shall
11	publish in the Federal Register the results of the study and
12	allow 60 days for public comment.
13	(d) Cell Phone Report.—Not later than 270 days
14	after the date of enactment of this Act, the Administrator
15	shall submit to the Committee on Transportation and In-
16	frastructure of the House of Representatives and the Com-
17	mittee on Commerce, Science, and Transportation of the
18	Senate a report on the results of the study.
19	TITLE V—ENVIRONMENTAL
20	STREAMLINING
21	SEC. 501. OVERFLIGHTS OF NATIONAL PARKS.
22	(a) General Requirements.—Section
23	40128(a)(1)(C) is amended by inserting "or voluntary
24	agreement under subsection (b)(7)" before "for the park".

1	(b) Exemption for National Parks With 50 or
2	Fewer Flights Each Year.—Section 40128(a) is
3	amended by adding at the end the following:
4	"(5) Exemption for national parks with 50
5	OR FEWER FLIGHTS EACH YEAR.—
6	"(A) In General.—Notwithstanding para-
7	graph (1), a national park that has 50 or fewer
8	commercial air tour operations over the park
9	each year shall be exempt from the requirements
10	of this section, except as provided in subpara-
11	graph(B).
12	"(B) WITHDRAWAL OF EXEMPTION.—If the
13	Director determines that an air tour manage-
14	ment plan or voluntary agreement is necessary
15	to protect park resources and values or park vis-
16	itor use and enjoyment, the Director shall with-
17	draw the exemption of a park under subpara-
18	graph(A).
19	"(C) List of parks.—
20	"(i) In General.—The Director and
21	Administrator shall jointly publish a list
22	each year of national parks that are covered
23	by the exemption provided under this para-
24	graph.

1		"(ii) Notification of withdrawal
2		OF EXEMPTION.—The Director shall inform
3		the Administrator, in writing, of each deter-
4		mination to withdraw an exemption under
5		subparagraph (B).
6		"(D) Annual report.—A commercial air
7		tour operator conducting commercial air tour
8		operations over a national park that is exempt
9		from the requirements of this section shall submit
10		to the Administrator and the Director a report
11		each year that includes the number of commer-
12		cial air tour operations the operator conducted
13		during the preceding one-year period over such
14		park.".
15	(c)	AIR TOUR MANAGEMENT PLANS.—Section
16	40128(b)	is amended by adding at the end the following:
17		"(7) Voluntary agreements.—
18		"(A) In general.—As an alternative to an
19		air tour management plan, the Director and the
20		Administrator may enter into a voluntary agree-
21		ment with a commercial air tour operator (in-
22		cluding a new entrant commercial air tour oper-
23		ator and an operator that has interim operating
24		authority) that has applied to conduct commer-
25		cial air tour operations over a national park to

1	manage commercial air tour operations over
2	such national park.
3	"(B) PARK PROTECTION.—A voluntary
4	agreement under this paragraph with respect to
5	commercial air tour operations over a national
6	park shall address the management issues nec-
7	essary to protect the resources of such park and
8	visitor use of such park without compromising
9	aviation safety or the air traffic control system
10	and may—
11	"(i) include provisions such as those
12	described in subparagraphs (B) through (E)
13	of paragraph (3);
14	"(ii) include provisions to ensure the
15	stability of, and compliance with, the vol-
16	untary agreement; and
17	"(iii) provide for fees for such oper-
18	ations.
19	"(C) Public.—The Director and the Ad-
20	ministrator shall provide an opportunity for
21	public review of a proposed voluntary agreement
22	under this paragraph and shall consult with any
23	Indian tribe whose tribal lands are, or may be,
24	flown over by a commercial air tour operator
25	under a voluntary agreement under this para-

1	graph. After such opportunity for public review
2	and consultation, the voluntary agreement may
3	be implemented without further administrative
4	or environmental process beyond that described
5	in this subsection.
6	"(D) TERMINATION.—
7	"(i) In general.—A voluntary agree-
8	ment under this paragraph may be termi-
9	nated at any time at the discretion of—
10	"(I) the Director, if the Director
11	determines that the agreement is not
12	adequately protecting park resources or
13	visitor experiences; or
14	"(II) the Administrator, if the
15	Administrator determines that the
16	agreement is adversely affecting avia-
17	tion safety or the national aviation
18	system.
19	"(ii) Effect of termination.—If a
20	voluntary agreement with respect to a na-
21	tional park is terminated under this sub-
22	paragraph, the operators shall conform to
23	the requirements for interim operating au-
24	thority under subsection (c) until an air

1	tour management plan for the park is in ef-
2	fect.".
3	(d) Interim Operating Authority.—Section
4	40128(c) is amended—
5	(1) by striking paragraph (2)(I) and inserting
6	$the\ following:$
7	"(I) may allow for modifications of the in-
8	terim operating authority without further envi-
9	ronmental review beyond that described in this
10	subsection, if—
11	"(i) adequate information regarding
12	the existing and proposed operations of the
13	operator under the interim operating au-
14	thority is provided to the Administrator
15	and the Director;
16	"(ii) the Administrator determines that
17	there would be no adverse impact on avia-
18	tion safety or the air traffic control system;
19	and
20	"(iii) the Director agrees with the
21	modification, based on the professional ex-
22	pertise of the Director regarding the protec-
23	tion of the resources, values, and visitor use
24	and enjoyment of the park."; and

1	(2) in paragraph (3)(A) by striking "if the Ad-
2	ministrator determines" and all that follows through
3	the period at the end and inserting "without further
4	environmental process beyond that described in this
5	paragraph, if—
6	"(i) adequate information on the pro-
7	posed operations of the operator is provided
8	to the Administrator and the Director by
9	the operator making the request;
10	"(ii) the Administrator agrees that
11	there would be no adverse impact on avia-
12	tion safety or the air traffic control system;
13	and
14	"(iii) the Director agrees, based on the
15	Director's professional expertise regarding
16	the protection of park resources and values
17	and visitor use and enjoyment.".
18	(e) Operator Reports.—Section 40128 is amend-
19	ed—
20	(1) by redesignating subsections (d), (e), and (f)
21	as subsections (e), (f), and (g), respectively; and
22	(2) by inserting after subsection (c) the fol-
23	lowing:
24	"(d) Commercial Air Tour Operator Reports.—

1 "(1) Report.—Each commercial air tour oper-2 ator conducting a commercial air tour operation over a national park under interim operating authority 3 granted under subsection (c) or in accordance with an air tour management plan or voluntary agreement 5 6 under subsection (b) shall submit to the Adminis-7 trator and the Director a report regarding the num-8 ber of commercial air tour operations over each na-9 tional park that are conducted by the operator and 10 such other information as the Administrator and Di-11 rector may request in order to facilitate admin-12 istering the provisions of this section.

"(2) REPORT SUBMISSION.—Not later than 90 days after the date of enactment of the FAA Reauthorization and Reform Act of 2011, the Administrator and the Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and the Director with a frequency and in a format prescribed by the Administrator and the Director.".

21 SEC. 502. STATE BLOCK GRANT PROGRAM.

- 22 (a) General Requirements.—Section 47128(a) is 23 amended—
- 24 (1) in the first sentence by striking "prescribe 25 regulations" and inserting "issue guidance"; and

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1	(2) in the second sentence by striking "regula-
2	tions" and inserting "guidance".
3	(b) Applications and Selection.—Section
4	47128(b)(4) is amended by inserting before the semicolon
5	the following: ", including the National Environmental Pol-
6	icy Act of 1969 (42 U.S.C. 4321 et seq.), State and local
7	environmental policy acts, Executive orders, agency regula-
8	tions and guidance, and other Federal environmental re-
9	quirements".
10	(c) Environmental Analysis and Coordination
11	Requirements.—Section 47128 is amended by adding at
12	the end the following:
13	"(d) Environmental Analysis and Coordination
14	Requirements.—A Federal agency, other than the Federal
15	Aviation Administration, that is responsible for issuing an
16	approval, license, or permit to ensure compliance with a
17	Federal environmental requirement applicable to a project
18	or activity to be carried out by a State using amounts from
19	a block grant made under this section shall—
20	"(1) coordinate and consult with the State;
21	"(2) use the environmental analysis prepared by
22	the State for the project or activity if such analysis
23	is adequate; and

1	"(3) as necessary, consult with the State to de-
2	scribe the supplemental analysis the State must pro-
3	vide to meet applicable Federal requirements.".
4	SEC. 503. NEXTGEN ENVIRONMENTAL EFFICIENCY
5	PROJECTS STREAMLINING.
6	(a) Aviation Project Review Process.—Section
7	47171(a) is amended in the matter preceding paragraph
8	(1) by striking "and aviation security projects" and insert-
9	ing "aviation security projects, and NextGen environmental
10	efficiency projects".
11	(b) Aviation Projects Subject to a Streamlined
12	Environmental Review Process.—Section 47171(b) is
13	amended—
14	(1) by amending paragraph (1) to read as fol-
15	lows:
16	"(1) AIRPORT CAPACITY ENHANCEMENT
17	PROJECTS AT CONGESTED AIRPORTS AND CERTAIN
18	NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS.—
19	The following projects shall be subject to the coordi-
20	nated and expedited environmental review process re-
21	quirements set forth in this section:
22	"(A) An airport capacity enhancement
23	project at a congested airport

1	"(B) A NextGen environmental efficiency
2	project at an Operational Evolution Partnership
3	airport or any congested airport."; and
4	(2) in paragraph (2)—
5	(A) in the heading by striking "AND AVIA-
6	TION SECURITY PROJECTS" and inserting
7	"PROJECTS, AVIATION SECURITY PROJECTS, AND
8	ANY NEXTGEN ENVIRONMENTAL EFFICIENCY
9	PROJECTS";
10	(B) in subparagraph (A) by striking "or
11	aviation security project" and inserting ", an
12	aviation security project, or any NextGen envi-
13	ronmental efficiency project"; and
14	(C) in subparagraph (B) by striking "or
15	aviation security project" and inserting ", avia-
16	tion security project, or NextGen environmental
17	efficiency project".
18	(c) High Priority for Environmental Reviews.—
19	Section 47171(c)(1) is amended by striking "an airport ca-
20	pacity enhancement project at a congested airport" and in-
21	serting "a project described in subsection (b)(1)".
22	(d) Identification of Jurisdictional Agencies.—
23	Section 47171(d) is amended by striking "each airport ca-
24	pacity enhancement project at a congested airport" and in-
25	serting "a project described in subsection (b)(1)".

1	(e) Lead Agency Responsibility.—Section
2	47171(h) is amended by striking "airport capacity en-
3	hancement projects at congested airports" and inserting
4	"projects described in subsection (b)(1)".
5	(f) Alternatives Analysis.—Section 47171(k) is
6	amended by striking "an airport capacity enhancement
7	project at a congested airport" and inserting "a project de-
8	scribed in subsection (b)(1)".
9	(g) Definitions.—Section 47171 is amended by add-
10	ing at the end the following:
11	"(n) Definitions.—In this section, the following defi-
12	nitions apply:
13	"(1) Congested Airport.—The term 'congested
14	airport' means an airport that accounted for at least
15	one percent of all delayed aircraft operations in the
16	United States in the most recent year for which data
17	is available and an airport listed in table 1 of the
18	Federal Aviation Administration's Airport Capacity
19	Benchmark Report 2004.
20	"(2) Nextgen environmental efficiency
21	PROJECT.—The term 'NextGen environmental effi-
22	ciency project' means a Next Generation Air Trans-
23	portation System aviation project that—
24	"(A) develops and certifies performance-
25	based navigation procedures; or

1	"(B) develops other environmental mitiga-
2	tion projects the Secretary may designate as fa-
3	cilitating a reduction in noise, fuel consumption,
4	or emissions from air traffic operations.
5	"(3) Performance-based navigation.—The
6	term 'performance-based navigation' means a frame-
7	work for defining performance requirements in navi-
8	gation specifications that—
9	"(A) can be applied to an air traffic route,
10	instrument procedure, or defined airspace; or
11	"(B) provides a basis for the design and im-
12	plementation of automated flight paths, airspace
13	design, and obstacle clearance.".
14	SEC. 504. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-
15	VIEWS.
16	Section 47173(a) is amended by striking "services of
17	consultants in order to" and all that follows through the
18	period at the end and inserting "services of consultants—
19	"(1) to facilitate the timely processing, review,
20	and completion of environmental activities associated
21	with an airport development project;
22	"(2) to conduct special environmental studies re-
23	lated to an airport project funded with Federal funds;

1	"(3) to conduct special studies or reviews to sup-
2	port approved noise compatibility measures described
3	in part 150 of title 14, Code of Federal Regulations;
4	"(4) to conduct special studies or reviews to sup-
5	port environmental mitigation in a record of decision
6	or finding of no significant impact by the Federal
7	Aviation Administration; and
8	"(5) to facilitate the timely processing, review,
9	and completion of environmental activities associated
10	with new or amended flight procedures, including
11	performance-based navigation procedures, such as re-
12	quired navigation performance procedures and area
13	navigation procedures.".
14	SEC. 505. NOISE COMPATIBILITY PROGRAMS.
15	Section 47504(a)(2) is amended—
16	(1) by striking "and" after the semicolon in sub-
17	paragraph (D);
18	(2) by striking "operations." in subparagraph
19	(E) and inserting "operations; and"; and
20	(3) by adding at the end the following:
21	"(F) conducting comprehensive land use plan-
22	ning (including master plans, traffic studies, environ-
23	mental evaluation, and economic and feasibility stud-
24	ies), jointly with neighboring local jurisdictions un-
25	dertaking community redevelopment in an area in

1	which land or other property interests have been ac-
2	quired by the operator pursuant to this section, to en-
3	courage and enhance redevelopment opportunities that
4	reflect zoning and uses that will prevent the introduc-
5	tion of additional incompatible uses and enhance re-
6	development potential.".
7	SEC. 506. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT
8	PROCEDURES.
9	Section 47504 is amended by adding at the end the
10	following:
11	"(e) Grants for Assessment of Flight Proce-
12	DURES.—
13	"(1) In general.—In accordance with sub-
14	section (c)(1), the Secretary may make a grant to an
15	airport operator to assist in completing environ-
16	mental review and assessment activities for proposals
17	to implement flight procedures at such airport that
18	have been approved as part of an airport noise com-
19	patibility program under subsection (b).
20	"(2) Additional staff.—The Administrator
21	may accept funds from an airport operator, including
22	funds provided to the operator under paragraph (1),
23	to hire additional staff or obtain the services of con-
24	sultants in order to facilitate the timely processing,
25	review, and completion of environmental activities as-

1	sociated with proposals to implement flight proce-
2	dures at such airport that have been approved as part
3	of an airport noise compatibility program under sub-
4	section (b).
5	"(3) Receipts credited as offsetting col-
6	Lections.—Notwithstanding section 3302 of title 31,
7	any funds accepted under this section—
8	"(A) shall be credited as offsetting collec-
9	tions to the account that finances the activities
10	and services for which the funds are accepted;
11	"(B) shall be available for expenditure only
12	to pay the costs of activities and services for
13	which the funds are accepted; and
14	"(C) shall remain available until ex-
15	pended.".
16	SEC. 507. DETERMINATION OF FAIR MARKET VALUE OF RES-
17	IDENTIAL PROPERTIES.
18	Section 47504 (as amended by this Act) is further
19	amended by adding at the end the following:
20	"(f) Determination of Fair Market Value of
21	Residential Properties.—In approving a project to ac-
22	quire residential real property using financial assistance
23	made available under this section or chapter 471, the Sec-
24	retary shall ensure that the appraisal of the property to
25	be acquired disregards any decrease or increase in the fair

- 1 market value of the real property caused by the project for
- 2 which the property is to be acquired, or by the likelihood
- 3 that the property would be acquired for the project, other
- 4 than that due to physical deterioration within the reason-
- 5 able control of the owner.".
- 6 SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT
- 7 WEIGHING 75,000 POUNDS OR LESS NOT COM-
- 8 PLYING WITH STAGE 3 NOISE LEVELS.
- 9 (a) In General.—Subchapter II of chapter 475 is
- 10 amended by adding at the end the following:
- 11 "§ 47534. Prohibition on operating certain aircraft
- weighing 75,000 pounds or less not com-
- 13 plying with stage 3 noise levels
- 14 "(a) Prohibition.—Except as otherwise provided by
- 15 this section, after December 31, 2014, a person may not
- 16 operate a civil subsonic jet airplane with a maximum
- 17 weight of 75,000 pounds or less, and for which an air-
- 18 worthiness certificate (other than an experimental certifi-
- 19 cate) has been issued, to or from an airport in the United
- 20 States unless the Secretary of Transportation finds that the
- 21 aircraft complies with stage 3 noise levels.
- 22 "(b) Aircraft Operations Outside 48 Contiguous
- 23 States.—Subsection (a) shall not apply to aircraft oper-
- 24 ated only outside the 48 contiguous States.

1	"(c) Temporary Operations.—The Secretary may
2	allow temporary operation of an aircraft otherwise prohib-
3	ited from operation under subsection (a) to or from an air-
4	port in the contiguous United States by granting a special
5	flight authorization for one or more of the following cir-
6	cumstances:
7	"(1) To sell, lease, or use the aircraft outside the
8	48 contiguous States.
9	"(2) To scrap the aircraft.
10	"(3) To obtain modifications to the aircraft to
11	meet stage 3 noise levels.
12	"(4) To perform scheduled heavy maintenance or
13	significant modifications on the aircraft at a mainte-
14	nance facility located in the contiguous 48 States.
15	"(5) To deliver the aircraft to an operator leas-
16	ing the aircraft from the owner or return the aircraft
17	to the lessor.
18	"(6) To prepare, park, or store the aircraft in
19	anticipation of any of the activities described in
20	paragraphs (1) through (5).
21	"(7) To provide transport of persons and goods
22	in the relief of an emergency situation.
23	"(8) To divert the aircraft to an alternative air-
24	port in the 48 contiguous States on account of weath-
25	er, mechanical, fuel, air traffic control, or other safety

1	reasons while conducting a flight in order to perform
2	any of the activities described in paragraphs (1)
3	through (7).
4	"(d) Regulations.—The Secretary may prescribe
5	such regulations or other guidance as may be necessary for
6	the implementation of this section.
7	"(e) Statutory Construction.—
8	"(1) AIP GRANT ASSURANCES.—Noncompliance
9	with subsection (a) shall not be construed as a viola-
10	tion of section 47107 or any regulations prescribed
11	the reunder.
12	"(2) Pending applications.—Nothing in this
13	section may be construed as interfering with, nul-
14	lifying, or otherwise affecting determinations made by
15	the Federal Aviation Administration, or to be made
16	by the Administration, with respect to applications
17	under part 161 of title 14, Code of Federal Regula-
18	tions, that were pending on the date of enactment of
19	this section.".
20	(b) Conforming Amendments.—
21	(1) Section 47531 is amended—
22	(A) in the section heading by striking "for
23	violating sections 47528–47530"; and
24	(B) by striking "47529, or 47530" and in-
25	serting "47529 47530 or 47534"

1	(2) Section 47532 is amended by inserting "or
2	47534" after "47528–47531".
3	(3) The analysis for subchapter II of chapter 475
4	is amended—
5	(A) by striking the item relating to section
6	47531 and inserting the following:
	"47531. Penalties."; and
7	(B) by adding at the end the following:
	"47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.".
8	SEC. 509. AIRCRAFT DEPARTURE QUEUE MANAGEMENT
9	PILOT PROGRAM.
10	(a) In General.—The Secretary of Transportation
11	shall carry out a pilot program at not more than 5 public-
12	use airports under which the Federal Aviation Administra-
13	tion shall use funds made available under section 48101(a)
14	to test air traffic flow management tools, methodologies, and
15	procedures that will allow air traffic controllers of the Ad-
16	ministration to better manage the flow of aircraft on the
17	ground and reduce the length of ground holds and idling
18	time for aircraft.
19	(b) Selection Criteria.—In selecting from among
20	airports at which to conduct the pilot program, the Sec-
21	retary shall give priority consideration to airports at which
22	improvements in ground control efficiencies are likely to
23	achieve the greatest fuel savings or air quality or other envi-

1	ronmental benefits, as measured by the amount of reduced
2	fuel, reduced emissions, or other environmental benefits per
3	dollar of funds expended under the pilot program.
4	(c) Maximum Amount.—Not more than a total of
5	\$2,500,000 may be expended under the pilot program at
6	any single public-use airport.
7	SEC. 510. HIGH PERFORMANCE, SUSTAINABLE, AND COST
8	EFFECTIVE AIR TRAFFIC CONTROL FACILI-
9	TIES.
10	The Administrator of the Federal Aviation Adminis-
11	tration may implement, to the extent practicable, sustain-
12	able practices for the incorporation of energy-efficient de-
13	sign, equipment, systems, and other measures in the con-
14	struction and major renovation of air traffic control facili-
15	ties of the Administration in order to reduce energy con-
16	sumption at, improve the environmental performance of,
17	and reduce the cost of maintenance for such facilities.
18	SEC. 511. SENSE OF CONGRESS.
19	It is the sense of Congress that—
20	(1) the European Union directive extending the
21	European Union's emissions trading proposal to
22	international civil aviation without working through
23	the International Civil Aviation Organization (in

this section referred to as the "ICAO") in a con-

sensus-based fashion is inconsistent with the Conven-

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- 1 tion on International Civil Aviation, completed in
- 2 Chicago on December 7, 1944 (TIAS 1591; commonly
- 3 known as the "Chicago Convention"), and other rel-
- 4 evant air services agreements and antithetical to
- 5 building international cooperation to address effec-
- 6 tively the problem of greenhouse gas emissions by air-
- 7 craft engaged in international civil aviation; and
- 8 (2) the European Union and its member states
- 9 should instead work with other contracting states of
- 10 ICAO to develop a consensual approach to addressing
- 11 aircraft greenhouse gas emissions through ICAO.
- 12 SEC. 512. AVIATION NOISE COMPLAINTS.
- 13 (a) Telephone Number Posting.—Not later than
- 14 90 days after the date of enactment of this Act, each owner
- 15 or operator of a large hub airport (as defined in section
- 16 40102(a) of title 49, United States Code) shall publish on
- 17 an Internet Web site of the airport a telephone number to
- 18 receive aviation noise complaints related to the airport.
- 19 (b) Summaries and Reports.—Not later than 15
- 20 months after the date of enactment of this Act, and annu-
- 21 ally thereafter, an owner or operator that receives noise
- 22 complaints from 25 individuals during the preceding year
- 23 under subsection (a) shall submit to the Administrator of
- 24 the Federal Aviation Administration a report regarding the
- 25 number of complaints received and a summary regarding

1	the nature of such complaints. The Administrator shall
2	make such information available to the public by electronic
3	means.
4	TITLE VI—FAA EMPLOYEES AND
5	ORGANIZATION
6	SEC. 601. FEDERAL AVIATION ADMINISTRATION PER-
7	SONNEL MANAGEMENT SYSTEM.
8	(a) Dispute Resolution.—Section 40122(a) is
9	amended—
10	(1) by redesignating paragraphs (3) and (4) as
11	paragraphs (4) and (5), respectively; and
12	(2) by striking paragraph (2) and inserting the
13	following:
14	"(2) Dispute resolution.—
15	"(A) Mediation.—If the Administrator
16	does not reach an agreement under paragraph
17	(1) or the provisions referred to in subsection
18	(g)(2)(C) with the exclusive bargaining rep-
19	resentative of the employees, the Administrator
20	and the bargaining representative—
21	"(i) shall use the services of the Federal
22	Mediation and Conciliation Service to at-
23	tempt to reach such agreement in accord-
24	ance with part 1425 of title 29, Code of
25	Federal Regulations (as in effect on the date

1	of enactment of the FAA Reauthorization
2	and Reform Act of 2011); or
3	"(ii) may by mutual agreement adopt
4	alternative procedures for the resolution of
5	disputes or impasses arising in the negotia-
6	tion of the collective-bargaining agreement.
7	"(B) Mid-term bargaining.—If the serv-
8	ices of the Federal Mediation and Conciliation
9	Service under subparagraph (A)(i) do not lead to
10	the resolution of issues in controversy arising
11	from the negotiation of a mid-term collective-bar-
12	gaining agreement, the Federal Service Impasses
13	Panel shall assist the parties in resolving the im-
14	passe in accordance with section 7119 of title 5.
15	"(C) Binding arbitration for term bar-
16	GAINING.—
17	"(i) Assistance from federal serv-
18	ICE IMPASSES PANEL.—If the services of the
19	Federal Mediation and Conciliation Service
20	under subparagraph $(A)(i)$ do not lead to
21	the resolution of issues in controversy aris-
22	ing from the negotiation of a term collec-
23	tive-bargaining agreement, the Adminis-
24	trator and the exclusive bargaining rep-
25	resentative of the employees (in this sub-

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paragraph referred to as the 'parties') shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

"(ii) Appointment of arbitration BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Not later than 10 days after receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list not later than 7 days after being selected. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person in 7 days, the parties shall make the

1	selection by alternately striking names on
2	the list until one arbitrator remains.
3	"(iii) Framing issues in con-
4	TROVERSY.—If the parties do not agree on
5	the framing of the issues to be submitted for
6	arbitration, the arbitration board shall
7	frame the issues.
8	"(iv) Hearings.—The arbitration
9	board shall give the parties a full and fair
10	hearing, including an opportunity to
11	present evidence in support of their claims
12	and an opportunity to present their case in
13	person, by counsel, or by other representa-
14	tive as they may elect.
15	"(v) Decisions.—The arbitration
16	board shall render its decision within 90
17	days after the date of its appointment. De-
18	cisions of the arbitration board shall be con-
19	clusive and binding upon the parties.
20	"(vi) Matters for consideration.—
21	The arbitration board shall take into con-
22	sideration such factors as—
23	"(I) the effect of its arbitration
24	decisions on the Federal Aviation Ad-

1	ministration's ability to attract and
2	retain a qualified workforce;
3	"(II) the effect of its arbitration
4	decisions on the Federal Aviation Ad-
5	$ministration's\ budget;$
6	"(III) the effect of its arbitration
7	decisions on other Federal Aviation
8	Administration employees; and
9	"(IV) any other factors whose con-
10	sideration would assist the board in
11	fashioning a fair and equitable award.
12	"(vii) Costs.—The parties shall share
13	costs of the arbitration equally.
14	"(3) Ratification of agreements.—Upon
15	reaching a voluntary agreement or at the conclusion
16	of the binding arbitration under paragraph $(2)(C)$,
17	the final agreement, except for those matters decided
18	by an arbitration board, shall be subject to ratifica-
19	tion by the exclusive bargaining representative of the
20	employees, if so requested by the bargaining represent-
21	ative, and the final agreement shall be subject to ap-
22	proval by the head of the agency in accordance with
23	the provisions referred to in subsection $(g)(2)(C)$.".
24	SEC. 602. PRESIDENTIAL RANK AWARD PROGRAM.
25	Section $40122(g)(2)$ is amended—

1	(1) in subparagraph (G) by striking "and" after
2	$the \ semicolon;$
3	(2) in subparagraph (H) by striking "Board."
4	and inserting "Board; and"; and
5	(3) by adding at the end the following:
6	"(I) subsections (b), (c), and (d) of section
7	4507 (relating to Meritorious Executive or Dis-
8	tinguished Executive rank awards) and sub-
9	sections (b) and (c) of section 4507a (relating to
10	Meritorious Senior Professional or Distinguished
11	Senior Professional rank awards), except that—
12	"(i) for purposes of applying such pro-
13	visions to the personnel management sys-
14	tem—
15	"(I) the term 'agency' means the
16	$Department\ of\ Transportation;$
17	"(II) the term 'senior executive'
18	means a Federal Aviation Administra-
19	$tion\ executive;$
20	"(III) the term 'career appointee'
21	means a Federal Aviation Administra-
22	tion career executive; and
23	"(IV) the term 'senior career em-
24	ployee' means a Federal Aviation Ad-
25	ministration career senior professional;

1	"(ii) receipt by a career appointee or
2	a senior career employee of the rank of Mer-
3	itorious Executive or Meritorious Senior
4	Professional entitles the individual to a
5	lump-sum payment of an amount equal to
6	20 percent of annual basic pay, which shall
7	be in addition to the basic pay paid under
8	the Federal Aviation Administration Execu-
9	tive Compensation Plan; and
10	"(iii) receipt by a career appointee or
11	a senior career employee of the rank of Dis-
12	tinguished Executive or Distinguished Sen-
13	ior Professional entitles the individual to a
14	lump-sum payment of an amount equal to
15	35 percent of annual basic pay, which shall
16	be in addition to the basic pay paid under
17	the Federal Aviation Administration Execu-
18	tive Compensation Plan.".
19	SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.
20	(a) Study.—
21	(1) In General.—The Administrator of the Fed-
22	eral Aviation Administration shall conduct a study to
23	assess the adequacy of the Administrator's technical
24	training strategy and improvement plan for airway

1	transportation systems specialists (in this section re-
2	ferred to as "FAA systems specialists").
3	(2) Contents.—The study shall include—
4	(A) a review of the current technical train-
5	ing strategy and improvement plan for FAA sys-
6	$tems\ specialists;$
7	(B) recommendations to improve the tech-
8	nical training strategy and improvement plan
9	needed by FAA systems specialists to be pro-
10	ficient in the maintenance of the latest tech-
11	nologies;
12	(C) a description of actions that the Admin-
13	istration has undertaken to ensure that FAA sys-
14	tems specialists receive up-to-date training on
15	the latest technologies; and
16	(D) a recommendation regarding the most
17	cost-effective approach to provide training to
18	FAA systems specialists.
19	(3) Report.—Not later than one year after the
20	date of enactment of this Act, the Administrator shall
21	submit to the Committee on Transportation and In-
22	frastructure of the House of Representatives and the
23	Committee on Commerce, Science, and Transpor-
24	tation of the Senate a report on the results of the
25	studu.

\mathcal{O}) Workload of	Systems	Specialists.—
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- (1) Study by National academy of Sciences.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system in the most cost effective manner.
 - (2) Consultation.—In conducting the study, the National Academy of Sciences shall interview interested parties, including labor, government, and industry representatives.
- 16 (3) REPORT.—Not later than one year after the 17 initiation of the arrangements under paragraph (1), 18 the National Academy of Sciences shall submit to 19 Congress a report on the results of the study.

20 SEC. 604. SAFETY CRITICAL STAFFING.

21 (a) IN GENERAL.—Not later than October 1, 2011, the 22 Administrator of the Federal Aviation Administration shall 23 implement, to the extent practicable and in a cost-effective 24 manner, the staffing model for aviation safety inspectors 25 developed pursuant to the National Academy of Sciences

- 1 study entitled "Staffing Standards for Aviation Safety In-
- 2 spectors". In doing so, the Administrator shall consult with
- 3 interested persons, including aviation safety inspectors.
- 4 (b) Report.—Not later than October 1 of each fiscal
- 5 year beginning after September 30, 2011, the Administrator
- 6 shall submit to the Committee on Transportation and In-
- 7 frastructure of the House of Representatives and the Com-
- 8 mittee on Commerce, Science, and Transportation of the
- 9 Senate, the staffing model described in subsection (a).
- 10 (c) Safety Critical Positions Defined.—In this
- 11 section, the term "safety critical positions" means—
- 12 (1) aviation safety inspectors, safety technical
- specialists, and operational support positions in the
- 14 Flight Standards Service (as such terms are used in
- 15 the Administration's fiscal year 2011 congressional
- 16 budget justification); and
- 17 (2) manufacturing safety inspectors, pilots, engi-
- 18 neers, chief scientific and technical advisors, safety
- 19 technical specialists, and operational support posi-
- 20 tions in the Aircraft Certification Service (as such
- 21 terms are used in the Administration's fiscal year
- 22 2011 congressional budget justification).
- 23 SEC. 605. FAA AIR TRAFFIC CONTROLLER STAFFING.
- 24 (a) Study by National Academy of Sciences.—
- 25 Not later than 90 days after the date of enactment of this

1	Act, the Administrator of the Federal Aviation Administra-
2	tion shall enter into appropriate arrangements with the Na-
3	tional Academy of Sciences to conduct a study of the air
4	traffic controller standards used by the Federal Aviation
5	Administration (in this section referred to as the "FAA")
6	to estimate staffing needs for FAA air traffic controllers to
7	ensure the safe operation of the national airspace system
8	in the most cost effective manner.
9	(b) Consultation.—In conducting the study, the Na-
10	tional Academy of Sciences shall interview interested par-
11	ties, including employee, Government, and industry rep-
12	resentatives.
13	(c) Contents.—The study shall include—
14	(1) an examination of representative informa-
15	tion on productivity, human factors, traffic activity,
16	and improved technology and equipment used in air
17	$traffic\ control;$
18	(2) an examination of recent National Academy
19	of Sciences reviews of the complexity model performed
20	by MITRE Corporation that support the staffing
21	standards models for the en route air traffic control
22	environment; and
23	(3) consideration of the Administration's current
24	and estimated budgets and the most cost-effective
25	staffing model to best leverage available funding.

1	(d) Report.—Not later than 2 years after the date
2	of enactment of this Act, the National Academy of Sciences
3	shall submit to the Committee on Transportation and In-
4	frastructure of the House of Representatives and the Com-
5	mittee on Commerce, Science, and Transportation of the
6	Senate a report on the results of the study.
7	SEC. 606. AIR TRAFFIC CONTROL SPECIALIST QUALIFICA-
8	TION TRAINING.
9	Section 44506 is amended—
10	(1) by redesignating subsection (d) as subsection
11	(e); and
12	(2) by inserting after subsection (c) the fol-
13	lowing:
14	"(d) Air Traffic Control Specialist Qualifica-
15	TION TRAINING.—
16	"(1) Appointment of air traffic control
17	Specialists.—The Administrator is authorized to
18	appoint a qualified air traffic control specialist can-
19	didate for placement in an airport traffic control fa-
20	cility if the candidate has—
21	"(A) received a control tower operator cer-
22	tification (referred to in this subsection as a
23	'CTO' certificate); and

- 1 "(B) satisfied all other applicable qualifica-2 tion requirements for an air traffic control spe-3 cialist position.
 - "(2) Compensation and Benefits.—An individual appointed under paragraph (1) shall receive the same compensation and benefits, and be treated in the same manner as, any other individual appointed as a developmental air traffic controller.
 - "(3) REPORT.—Not later than 18 months after the date of enactment of the FAA Reauthorization and Reform Act of 2011, the Administrator shall submit to Congress a report that evaluates the effectiveness of the air traffic control specialist qualification training provided pursuant to this section, including the graduation rates of candidates who received a CTO certificate and are working in airport traffic control facilities.
 - "(4) Additional appointments.—If the Administrator determines that air traffic control specialists appointed pursuant to this subsection are more successful in carrying out the duties of an air traffic controller than air traffic control specialists hired from the general public without any such certification, the Administrator shall increase the num-

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1	ber of appointments of candidates who possess such
2	certification.
3	"(5) Reimbursement for travel expenses
4	ASSOCIATED WITH CERTIFICATIONS.—
5	"(A) In general.—Subject to subpara-
6	graph (B), the Administrator may accept reim-
7	bursement from an educational entity that pro-
8	vides training to an air traffic control specialist
9	candidate to cover reasonable travel expenses of
10	the Administrator associated with issuing certifi-
11	cations to such candidates.
12	"(B) Treatment of reimbursements.—
13	Notwithstanding section 3302 of title 31, any re-
14	imbursement authorized to be collected under
15	subparagraph (A) shall—
16	"(i) be credited as offsetting collections
17	to the account that finances the activities
18	and services for which the reimbursement is
19	accepted;
20	"(ii) be available for expenditure only
21	to pay the costs of activities and services for
22	which the reimbursement is accepted, in-
23	cluding all costs associated with collecting
24	such reimbursement; and

1	"(iii) remain available until ex-
2	pended.".
3	SEC. 607. ASSESSMENT OF TRAINING PROGRAMS FOR AIR
4	TRAFFIC CONTROLLERS.
5	(a) Study.—The Administrator of the Federal Avia-
6	tion Administration shall conduct a study to assess the ade-
7	quacy of training programs for air traffic controllers, in-
8	cluding the Administrator's technical training strategy and
9	improvement plan for air traffic controllers.
10	(b) Contents.—The study shall include—
11	(1) a review of the current training system for
12	air traffic controllers, including the technical training
13	strategy and improvement plan;
14	(2) an analysis of the competencies required of
15	air traffic controllers for successful performance in the
16	current and future projected air traffic control envi-
17	ronment;
18	(3) an analysis of the competencies projected to
19	be required of air traffic controllers as the Federal
20	Aviation Administration transitions to the Next Gen-
21	$eration \ Air \ Transportation \ System;$
22	(4) an analysis of various training approaches
23	available to satisfy the controller competencies identi-
24	fied under paragraphs (2) and (3):

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1	(5) recommendations to improve the current
2	training system for air traffic controllers, including
3	the technical training strategy and improvement
4	plan; and
5	(6) the most cost-effective approach to provide
6	training to air traffic controllers.
7	(c) Report.—Not later than 180 days after the date

- of enactment of this Act, the Administrator shall submit
- to the Committee on Transportation and Infrastructure of
- the House of Representatives and the Committee on Com-10
- merce, Science, and Transportation of the Senate a report
- 12 on the results of the study.

SEC. 608. COLLEGIATE TRAINING INITIATIVE STUDY.

- 14 (a) Study.—The Comptroller General shall conduct a
- 15 study on training options for graduates of the Collegiate
- Training Initiative program (in this section referred to as 16
- "CTI" programs) conducted under section 44506(c) of title
- 49, United States Code. 18
- 19 (b) Contents.—The study shall analyze the impact
- 20 of providing as an alternative to the current training pro-
- 21 vided at the Mike Monroney Aeronautical Center of the Fed-
- eral Aviation Administration a new controller orientation
- 23 session at the Mike Monroney Aeronautical Center for grad-
- uates of CTI programs followed by on-the-job training for

1	newly hired air traffic controllers who are graduates of CTI
2	programs and shall include an analysis of—
3	(1) the cost effectiveness of such an alternative
4	training approach; and
5	(2) the effect that such an alternative training
6	approach would have on the overall quality of train-
7	ing received by graduates of CTI programs.
8	(c) Report.—Not later than 180 days after the date
9	of enactment of this Act, the Comptroller General shall sub-
10	mit to the Committee on Transportation and Infrastructure
11	of the House of Representatives and the Committee on Com-
12	merce, Science, and Transportation of the Senate a report
13	on the results of the study.
14	SEC. 609. FAA FACILITY CONDITIONS.
15	(a) Study.—The Comptroller General shall conduct a
16	study of—
17	(1) the conditions of a sampling of Federal Avia-
18	tion Administration facilities across the United
19	States, including offices, towers, centers, and terminal
20	radar air control;
21	(2) reports from employees of the Administration
22	relating to respiratory ailments and other health con-
23	ditions resulting from exposure to mold, asbestos, poor
24	air quality, radiation, and facility-related hazards in
25	facilities of the Administration;

1	(3) conditions of such facilities that could inter-
2	fere with such employees' ability to effectively and
3	safely perform their duties;
4	(4) the ability of managers and supervisors of
5	such employees to promptly document and seek reme-
6	diation for unsafe facility conditions;
7	(5) whether employees of the Administration who
8	report facility-related illnesses are treated appro-
9	priately;
10	(6) utilization of scientifically approved remedi-
11	ation techniques to mitigate hazardous conditions in
12	accordance with applicable State and local regula-
13	tions and Occupational Safety and Health Adminis-
14	tration practices by the Administration; and
15	(7) resources allocated to facility maintenance
16	and renovation by the Administration.
17	(b) Facility Condition Indices.—The Comptroller
18	General shall review the facility condition indices of the Ad-
19	ministration for inclusion in the recommendations under
20	subsection (c).
21	(c) Recommendations.—Based on the results of the
22	study and review of facility condition indices under sub-
23	section (a), the Comptroller General shall make such rec-
24	ommendations as the Comptroller General considers nec-
25	essary to—

1	(1) prioritize those facilities needing the most
2	immediate attention based on risks to employee health
3	and safety;
4	(2) ensure that the Administration is using sci-
5	entifically approved remediation techniques in all fa-
6	cilities; and
7	(3) assist the Administration in making pro-
8	grammatic changes so that aging facilities do not de-
9	teriorate to unsafe levels.
10	(d) Report.—Not later than one year after the date
11	of enactment of this Act, the Comptroller General shall sub-
12	mit to the Administrator, the Committee on Commerce,
13	Science, and Transportation of the Senate, and the Com-
14	mittee on Transportation and Infrastructure of the House
15	of Representatives a report on results of the study, including
16	the recommendations under subsection (c).
17	SEC. 610. FRONTLINE MANAGER STAFFING.
18	(a) STUDY.—Not later than 45 days after the date of
19	enactment of this Act, the Administrator of the Federal
20	Aviation Administration shall commission an independent
21	study on frontline manager staffing requirements in air
22	traffic control facilities.
23	(b) Considerations.—In conducting the study, the

 $24 \ \ Administrator\ may\ take\ into\ consideration —$

1	(1) the managerial tasks expected to be per-
2	formed by frontline managers, including employee de-
3	velopment, management, and counseling;
4	(2) the number of supervisory positions of oper-
5	ation requiring watch coverage in each air traffic
6	$control\ facility;$
7	(3) coverage requirements in relation to traffic
8	demand;
9	(4) facility type;
10	(5) complexity of traffic and managerial respon-
11	sibilities;
12	(6) proficiency and training requirements; and
13	(7) such other factors as the Administrator con-
14	siders appropriate.
15	(c) Participation.—The Administrator shall ensure
16	$the\ participation\ of\ front line\ managers\ who\ currently\ work$
17	$in \ safety-related \ operational \ areas \ of \ the \ Administration.$
18	(d) Determinations The Administrator shall
19	transmit any determinations made as a result of the study
20	to the heads of the appropriate lines of business within the
21	Administration, including the Chief Operating Officer of
22	the Air Traffic Organization.
23	(e) Report.—Not later than 9 months after the date
24	of enactment of this Act, the Administrator shall submit
25	to the Committee on Commerce, Science, and Transpor-

1	tation of the Senate and the Committee on Transportation
2	and Infrastructure of the House of Representatives a report
3	on the results of the study and a description of any deter-
4	minations submitted to the Chief Operating Officer under
5	subsection (c).
6	(f) Definition.—In this section, the term "frontline
7	manager" means first-level, operational supervisors and
8	managers who work in safety-related operational areas of
9	$the\ Administration.$
10	TITLE VII—AVIATION
11	INSURANCE
12	SEC. 701. GENERAL AUTHORITY.
13	(a) Extension of Policies.—Section 44302(f)(1) is
14	amended by striking "shall extend through" and all that
15	follows through "the termination date" and inserting "shall
16	extend through September 30, 2013, and may extend
17	through December 31, 2013, the termination date".
18	(b) Successor Program.—Section 44302(f) is
19	amended by adding at the end the following:
20	"(3) Successor program.—
21	"(A) In General.—After December 31,
22	2021, coverage for the risks specified in a policy
23	that has been extended under paragraph (1) shall
24	be provided in an airline industry sponsored

1	risk retention or other risk-sharing arrangement
2	approved by the Secretary.
3	"(B) Transfer of premiums.—
4	"(i) In General.—On December 31,
5	2021, and except as provided in clause (ii),
6	premiums collected by the Secretary from
7	the airline industry after September 22,
8	2001, for any policy under this subsection,
9	and interest earned thereon, as determined
10	by the Secretary, shall be transferred to an
11	airline industry sponsored risk retention or
12	other risk-sharing arrangement approved by
13	the Secretary.
14	"(ii) Determination of amount
15	TRANSFERRED.—The amount transferred
16	pursuant to clause (i) shall be less—
17	"(I) the amount of any claims
18	paid out on such policies from Sep-
19	tember 22, 2001, through December 31,
20	2021;
21	"(II) the amount of any claims
22	pending under such policies as of De-
23	cember 31, 2021; and
24	"(III) the cost, as determined by
25	the Secretary, of administering the

1	provision of insurance policies under
2	this chapter from September 22, 2001,
3	through December 31, 2021.".
4	SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD-
5	PARTY LIABILITY OF AIR CARRIERS ARISING
6	OUT OF ACTS OF TERRORISM.
7	The first sentence of section 44303(b) is amended by
8	striking "ending on" and all that follows through "the Sec-
9	retary may certify" and inserting "ending on December 31,
10	2013, the Secretary may certify".
11	SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.
12	The second sentence of section 44304 is amended by
13	striking "the carrier" and inserting "any insurance car-
14	rier".
15	SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.
16	The second sentence of section $44308(c)(1)$ is amended
17	by striking "agent" and inserting "agent, or a claims ad-
18	juster who is independent of the underwriting agent,".
19	TITLE VIII—MISCELLANEOUS
20	SEC. 801. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN
21	INTEREST OF NATIONAL SECURITY.
22	Section 40119(b) is amended by adding at the end the
23	following:
24	"(4) Section 552a of title 5 shall not apply to disclo-
25	sures that the Administrator may make from the systems

1	of records of the Administration to any Federal law enforce-
2	ment, intelligence, protective service, immigration, or na-
3	tional security official in order to assist the official receiv-
4	ing the information in the performance of official duties.".
5	SEC. 802. FAA ACCESS TO CRIMINAL HISTORY RECORDS
6	AND DATABASE SYSTEMS.
7	(a) In General.—Chapter 401 is amended by adding
8	at the end the following:
9	"§ 40130. FAA access to criminal history records and
10	database systems
11	"(a) Access to Records and Database Sys-
12	TEMS.—
13	"(1) Access to information.—Notwith-
14	standing section 534 of title 28, and regulations
15	issued to implement such section, the Administrator
16	of the Federal Aviation Administration may have di-
17	rect access to a system of documented criminal justice
18	information maintained by the Department of Justice
19	or by a State, but may do so only for the purpose of
20	carrying out civil and administrative responsibilities
21	of the Administration to protect the safety and secu-
22	rity of the national airspace system or to support the
23	missions of the Department of Justice, the Depart-
24	ment of Homeland Security, and other law enforce-

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ment agencies.

1	"(2) Release of information.—In accessing a
2	system referred to in paragraph (1), the Adminis-
3	trator shall be subject to the same conditions and pro-
4	cedures established by the Department of Justice or
5	the State for other governmental agencies with direct
6	access to the system.
7	"(3) Limitation.—The Administrator may not
8	use the direct access authorized under paragraph (1)
9	to conduct criminal investigations.
10	"(b) Designated Employees.—The Administrator
11	shall designate, by order, employees of the Administration
12	who shall carry out the authority described in subsection
13	(a). The designated employees may—
14	"(1) have direct access to and receive criminal
15	history, driver, vehicle, and other law enforcement in-
16	formation contained in the law enforcement databases
17	of the Department of Justice, or any jurisdiction of
18	a State, in the same manner as a police officer em-
19	ployed by a State or local authority of that State who
20	is certified or commissioned under the laws of that
21	State;
22	"(2) use any radio, data link, or warning system
23	of the Federal Government, and of any jurisdiction in
24	a State, that provides information about wanted per-
25	sons, be-on-the-lookout notices, warrant status, or

- 1 other officer safety information to which a police offi-
- 2 cer employed by a State or local authority in that
- 3 State who is certified or commissioned under the laws
- 4 of that State has direct access and in the same man-
- 5 ner as such police officer; and
- 6 "(3) receive Federal, State, or local government
- 7 communications with a police officer employed by a
- 8 State or local authority in that State in the same
- 9 manner as a police officer employed by a State or
- 10 local authority in that State who is commissioned
- 11 under the laws of that State.
- 12 "(c) System of Documented Criminal Justice In-
- 13 FORMATION DEFINED.—In this section, the term 'system of
- 14 documented criminal justice information' means any law
- 15 enforcement database, system, or communication con-
- 16 taining information concerning identification, criminal
- 17 history, arrests, convictions, arrest warrants, wanted or
- 18 missing persons, including the National Crime Information
- 19 Center and its incorporated criminal history databases and
- 20 the National Law Enforcement Telecommunications Sys-
- 21 tem.".
- 22 (b) Clerical Amendment.—The analysis for chapter
- 23 401 is amended by adding at the end the following:
 - "40130. FAA access to criminal history records and database systems.".
- 24 SEC. 803. CIVIL PENALTIES TECHNICAL AMENDMENTS.
- 25 Section 46301 is amended—

1	(1) in subsection $(a)(1)(A)$ by inserting "chapter
2	451," before "section 47107(b)";
3	(2) in subsection $(a)(5)(A)(i)$ —
4	(A) by striking "or chapter 449" and in-
5	serting "chapter 449"; and
6	(B) by inserting after "44909)" the fol-
7	lowing: ", or chapter 451";
8	(3) in subsection $(d)(2)$ —
9	(A) by inserting after "44723)" the fol-
10	lowing: ", chapter 451 (except section 45107)";
11	(B) by inserting after "44909)," the fol-
12	lowing: "section 45107,";
13	(C) by striking "46302" and inserting "sec-
14	tion 46302"; and
15	(D) by striking "46303" and inserting "sec-
16	tion 46303"; and
17	(4) in subsection $(f)(1)(A)(i)$ —
18	(A) by striking "or chapter 449" and in-
19	serting "chapter 449"; and
20	(B) by inserting after "44909)" the fol-
21	lowing: ", or chapter 451".

1	SEC. 804. REALIGNMENT AND CONSOLIDATION OF FAA
2	SERVICES AND FACILITIES.
3	(a) In General.—Chapter 445 (as amended by this
4	Act) is further amended by adding at the end the following
5	new section:
6	"§ 44519. Realignment and consolidation of FAA serv-
7	ices and facilities
8	"(a) Purpose of this section is to es-
9	tablish a fair process that will result in the realignment
10	and consolidation of FAA services and facilities to help re-
11	duce capital, operating, maintenance, and administrative
12	costs and facilitate Next Generation Air Transportation
13	System air traffic control modernization efforts without ad-
14	versely affecting safety.
15	"(b) General Authority.—Subject to the require-
16	$ments\ of\ this\ section,\ the\ Administrator\ of\ the\ Federal\ Avia-$
17	tion Administration shall realign and consolidate FAA
18	services and facilities pursuant to recommendations made
19	by the Aviation Facilities and Services Board established
20	$under\ subsection\ (g).$
21	"(c) Administrator's Recommendations.—
22	"(1) Proposed Criteria.—
23	"(A) In General.—The Administrator
24	shall develop proposed criteria for use by the Ad-
25	ministrator in making recommendations for the

1	realignment and consolidation of FAA services
2	and facilities under this section.
3	"(B) Publication; transmittal to con-
4	GRESS.—Not later than 30 days after the date of
5	enactment of this section, the Administrator
6	shall publish the proposed criteria in the Federal
7	Register and transmit the proposed criteria to
8	the congressional committees of interest.
9	"(C) Notice and comment.—The Admin-
10	istrator shall provide an opportunity for public
11	comment on the proposed criteria for a period of
12	at least 30 days and shall include notice of that
13	opportunity in the Federal Register.
14	"(2) Final criteria.—
15	"(A) In General.—The Administrator
16	shall establish final criteria based on the pro-
17	posed criteria developed under paragraph (1).
18	"(B) Publication; transmittal to con-
19	GRESS.—Not later than 90 days after the date of
20	enactment of this section, the Administrator
21	shall publish the final criteria in the Federal
22	Register and transmit the final criteria to the
23	congressional committees of interest.
24	"(3) Recommendations.—

1	"(A) In General.—The Administrator
2	shall make recommendations for the realignment
3	and consolidation of FAA services and facilities
4	under this section based on the final criteria es-
5	tablished under paragraph (2).
6	"(B) Contents.—The recommendations
7	shall consist of a list of FAA services and facili-
8	ties for realignment and consolidation, together
9	with a justification for each service and facility
10	included on the list.
11	"(C) Publication; transmittal to board
12	AND CONGRESS.—Not later than 120 days after
13	the date of enactment of this section, the Admin-
14	istrator shall publish the recommendations in the
15	Federal Register and transmit the recommenda-
16	tions to the Board and the congressional commit-
17	tees of interest.
18	"(D) Information.—The Administrator
19	shall make available to the Board and the Comp-
20	troller General all information used by the Ad-
21	ministrator in establishing the recommendations.
22	"(E) Additional recommendations.—
23	The Administrator is authorized to make addi-
24	tional recommendations under this paragraph

every 2 years.

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1	"(d) Board's Review and Recommendations.—
2	"(1) Public Hearings.—Not later than 30 days
3	after the date of receipt of the Administrator's rec-
4	ommendations under subsection (c), the Board shall
5	conduct public hearings on the recommendations.
6	"(2) Board's recommendations.—
7	"(A) Report to congress.—Based on the
8	Board's review and analysis of the Administra-
9	tor's recommendations and any public comments
10	received under paragraph (1), the Board shall
11	develop a report containing the Board's findings
12	and conclusions concerning the Administrator's
13	recommendations, together with the Board's rec-
14	ommendations for realignment and consolidation
15	of FAA services and facilities. The Board shall
16	explain and justify in the report any rec-
17	ommendation made by the Board that differs
18	from a recommendation made by the Adminis-
19	trator.
20	"(B) Publication in Federal register;
21	TRANSMITTAL TO CONGRESS.—Not later than 60
22	days after the date of receipt of the Administra-
23	tor's recommendations under subsection (c), the

Board shall publish the report in the Federal

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1	Register and transmit the report to the congres-
2	sional committees of interest.
3	"(3) Assistance of comptroller general.—
4	The Comptroller General shall assist the Board, to the
5	extent requested by the Board, in the Board's review
6	and analysis of the Administrator's recommendations.
7	"(e) Realignment and Consolidation of FAA
8	Services and Facilities.—Subject to subsection (f), the
9	$Administrator\ shall-\!\!\!\!-$
10	"(1) realign or consolidate the FAA services and
11	facilities recommended for realignment or consolida-
12	tion by the Board in a report transmitted under sub-
13	section (d);
14	"(2) initiate all such realignments and consoli-
15	dations not later than one year after the date of the
16	report; and
17	"(3) complete all such realignments and consoli-
18	dations not later than 3 years after the date of the re-
19	port.
20	"(f) Congressional Disapproval.—
21	"(1) In General.—The Administrator may not
22	carry out a recommendation of the Board for realign-
23	ment or consolidation of FAA services and facilities
24	that is included in a report transmitted under sub-
25	section (d) if a joint resolution of disapproval is en-

1	acted disapproving such recommendation before the
2	earlier of—
3	"(A) the last day of the 30-day period be-
4	ginning on the date of the report; or
5	"(B) the adjournment of Congress sine die
6	for the session during which the report is trans-
7	mitted.
8	"(2) Computation of 30-day period.—For
9	purposes of paragraph (1)(A), the days on which ei-
10	ther house of Congress is not in session because of an
11	adjournment of more than 3 days to a day certain
12	shall be excluded in computation of the 30-day period.
13	"(g) Aviation Facilities and Services Board.—
14	"(1) Establishment.—Not later than 180 days
15	after the date of enactment of this section, the Sec-
16	retary of Transportation shall establish an inde-
17	pendent board to be known as the 'Aviation Facilities
18	and Services Board'.
19	"(2) Composition.—The Board shall be com-
20	posed of the following members:
21	"(A) The Secretary (or a designee of the
22	Secretary), who shall be the Chair of the Board.
23	"(B) Two members appointed by the Sec-
24	retary, who may not be officers or employees of
25	the Federal Government

1	"(C) The Comptroller General (or a des-
2	ignee of the Comptroller General), who shall be
3	a nonvoting member of the Board.
4	"(3) Duties.—The Board shall carry out the
5	duties specified for the Board in this section.
6	"(4) Term.—The members of the Board to be
7	appointed under paragraph (2)(B) shall each be ap-
8	pointed for a term of 3 years.
9	"(5) VACANCIES.—A vacancy in the Board shall
10	be filled in the same manner as the original appoint-
11	ment was made, but the individual appointed to fill
12	the vacancy shall serve only for the unexpired portion
13	of the term for which the individual's predecessor was
14	appointed.
15	"(6) Compensation and Benefits.—A member
16	of the Board may not receive any compensation or
17	benefits from the Federal Government for serving on
18	the Board, except that—
19	"(A) a member shall receive compensation
20	for work injuries under subchapter I of chapter
21	81 of title 5; and
22	"(B) a member shall be paid actual travel
23	expenses and per diem in lieu of subsistence ex-
24	penses when away from the member's usual place

1	of residence in accordance with section 5703 of
2	title 5.
3	"(7) Staff.—The Administrator shall make
4	available to the Board such staff, information, and
5	administrative services and assistance as may be rea-
6	sonably required to enable the Board to carry out its
7	responsibilities under this section. The Board may
8	employ experts and consultants on a temporary or
9	intermittent basis with the approval of the Secretary.
10	"(8) Federal advisory committee act.—The
11	Federal Advisory Committee Act (5 U.S.C. App.)
12	shall not apply to the Board.
13	"(h) Authorization of Appropriations.—
14	"(1) In general.—There is authorized to be ap-
15	propriated to the Administrator for each of fiscal
16	years 2011 through 2014 \$200,000 for the Board to
17	carry out its duties.
18	"(2) Availability of amounts.—Amounts ap-
19	propriated pursuant to paragraph (1) shall remain
20	available until expended.
21	"(i) Effect on Other Authorities.—Nothing in
22	this section shall be construed to affect the authorities pro-
23	vided in section 44503 or the existing authorities or respon-
24	sibilities of the Administrator under this title to manage
25	the operations of the Federal Aviation Administration, in-

1	cluding realignment or consolidation of facilities or serv-
2	ices.
3	"(j) Definitions.—In this section, the following defi-
4	nitions apply:
5	"(1) Board.—The term 'Board' means the Avia-
6	tion Facilities and Services Board established under
7	subsection (g).
8	"(2) Congressional committees of inter-
9	EST.—The term 'congressional committees of interest
10	means the Committee on Transportation and Infra-
11	structure of the House of Representatives and the
12	Committee on Commerce, Science, and Transpor-
13	tation of the Senate.
14	"(3) FAA.—The term 'FAA' means the Federal
15	$A viation\ Administration.$
16	"(4) Realignment.—The term 'realignment' in-
17	cludes any action that relocates functions and per-
18	sonnel positions but does not include an overall reduc-
19	tion in personnel resulting from workload adjust-
20	ments.".
21	(b) Clerical Amendment.—The analysis for chapter
22	445 (as amended by this Act) is further amended by adding

"44519. Realignment and consolidation of FAA services and facilities.".

23 at the end the following:

1	SEC. 805. LIMITING ACCESS TO FLIGHT DECKS OF ALL-
2	CARGO AIRCRAFT.
3	(a) STUDY.—Not later than 180 days after the date
4	of enactment of this Act, the Administrator of the Federal
5	Aviation Administration, in consultation with appropriate
6	air carriers, aircraft manufacturers, and air carrier labor
7	representatives, shall conduct a study to assess the feasi-
8	bility of developing a physical means, or a combination of
9	physical and procedural means, to prohibit individuals
10	other than authorized flight crewmembers from accessing the
11	flight deck of an all-cargo aircraft.
12	(b) Report.—Not later than one year after the date
13	of enactment of this Act, the Administrator shall submit
14	to the Committee on Transportation and Infrastructure of
15	the House of Representatives and the Committee on Com-
16	merce, Science, and Transportation of the Senate a report
17	on the results of the study.
18	SEC. 806. CONSOLIDATION OR ELIMINATION OF OBSOLETE,
19	REDUNDANT, OR OTHERWISE UNNECESSARY
20	REPORTS; USE OF ELECTRONIC MEDIA FOR-
21	MAT.
22	(a) Consolidation or Elimination of Reports.—
23	Not later than 2 years after the date of enactment of this
24	Act, and every 2 years thereafter, the Administrator of the
25	Federal Aviation Administration shall submit to the Com-
26	mittee on Commerce Science and Transportation of the

1	Senate and the Committee on Transportation and Infra-
2	structure of the House of Representatives a report con-
3	taining—
4	(1) a list of obsolete, redundant, or otherwise un-
5	necessary reports the Administration is required by
6	law to submit to the Congress or publish that the Ad-
7	ministrator recommends eliminating or consolidating
8	with other reports; and
9	(2) an estimate of the cost savings that would re-
10	sult from the elimination or consolidation of those re-
11	ports.
12	(b) Use of Electronic Media for Reports.—
13	(1) In General.—Notwithstanding any other
14	provision of law, the Administration—
15	(A) may not publish any report required or
16	authorized by law in printed format; and
17	(B) shall publish any such report by post-
18	ing it on the Administration's Internet Web site
19	in an easily accessible and downloadable elec-
20	$tronic\ format.$
21	(2) Exception.—Paragraph (1) does not apply
22	to any report with respect to which the Administrator
23	determines that—

1	(A) its publication in printed format is es-
2	sential to the mission of the Federal Aviation
3	Administration; or
4	(B) its publication in accordance with the
5	requirements of paragraph (1) would disclose
6	matter—
7	(i) described in section 552(b) of title
8	5, United States Code; or
9	(ii) the disclosure of which would have
10	an adverse impact on aviation safety or se-
11	curity, as determined by the Administrator.
12	SEC. 807. PROHIBITION ON USE OF CERTAIN FUNDS.
13	The Secretary of Transportation may not use any
14	funds made available pursuant to this Act (including any
15	amendment made by this Act) to name, rename, designate,
16	or redesignate any project or program authorized by this
17	Act (including any amendment made by this Act) for an
18	individual then serving in Congress as a Member, Delegate,
19	Resident Commissioner, or Senator.
20	SEC. 808. STUDY ON AVIATION FUEL PRICES.
21	(a) In General.—Not later than 180 days after the
22	date of enactment of this Act, the Comptroller General shall
23	conduct a study and report to Congress on the impact of
24	increases in aviation fuel prices on the Airport and Airway
25	Trust Fund and the aviation industry in general.

1	(b) Contents.—The study shall include an assessment
2	of the impact of increases in aviation fuel prices on—
3	(1) general aviation;
4	(2) commercial passenger aviation;
5	(3) piston aircraft purchase and use;
6	(4) the aviation services industry, including re-
7	pair and maintenance services;
8	(5) aviation manufacturing;
9	(6) aviation exports; and
10	(7) the use of small airport installations.
11	(c) Assumptions About Aviation Fuel Prices.—
12	In conducting the study required by subsection (a), the
13	Comptroller General shall use the average aviation fuel
14	price for fiscal year 2010 as a baseline and measure the
15	impact of increases in aviation fuel prices that range from
16	5 percent to 200 percent over the 2010 baseline.
17	SEC. 809. WIND TURBINE LIGHTING.
18	(a) Study.—The Administrator of the Federal Avia-
19	tion Administration shall conduct a study on wind turbine
20	lighting systems.
21	(b) Contents.—In conducting the study, the Admin-
22	istrator shall examine the following:
23	(1) The aviation safety issues associated with al-
24	ternative lighting strategies, technologies, and regula-
25	tions.

1	(2) The feasibility of implementing alternative
2	lighting strategies or technologies to improve aviation
3	safety.
4	(3) Any other issue relating to wind turbine
5	lighting.
6	(c) Report.—Not later than one year after the date
7	of enactment of this Act, the Administrator shall submit
8	to Congress a report on the results of the study, including
9	information and recommendations concerning the issues ex-
10	amined under subsection (b).
11	SEC. 810. AIR-RAIL CODE SHARING STUDY.
12	(a) Code Share Study.—Not later than 180 days
13	after the date of enactment of this Act, the Comptroller Gen-
14	eral shall initiate a study regarding—
15	(1) the existing airline and intercity passenger
16	rail code sharing arrangements; and
17	(2) the feasibility, costs to taxpayers and other
18	parties, and benefits of increasing intermodal
19	connectivity of airline and intercity passenger rail fa-
20	cilities and systems to improve passenger travel.
21	(b) Considerations.—In conducting the study, the
22	Comptroller General shall consider—
23	(1) the potential costs to taxpayers and other
24	parties and benefits of the implementation of more in-
25	tegrated scheduling between airlines and Amtrak or

1	other intercity passenger rail carriers achieved
2	through code sharing arrangements;
3	(2) airport and intercity passenger rail oper-
4	ations that can improve connectivity between airports
5	and intercity passenger rail facilities and stations;
6	(3) the experience of other countries with airport
7	and intercity passenger rail connectivity; and
8	(4) such other issues the Comptroller General
9	considers appropriate.
10	(c) Report.—Not later than one year after com-
11	mencing the study required by subsection (a), the Comp-
12	troller General shall submit to the Committee on Commerce,
13	Science, and Transportation of the Senate and the Com-
14	mittee on Transportation and Infrastructure of the House
15	of Representatives a report on the results of the study, in-
16	cluding any conclusions of the Comptroller General result-
17	ing from the study.
18	SEC. 811. D.C. METROPOLITAN AREA SPECIAL FLIGHT
19	RULES AREA.
20	(a) Submission of Plan to Congress.—Not later
21	than 180 days after the date of enactment of this Act, the
22	Administrator of the Federal Aviation Administration, in
23	consultation with the Secretary of Homeland Security and
24	the Secretary of Defense, shall submit to the Committee on
25	Transportation and Infrastructure and the Committee on

- 1 Homeland Security of the House of Representatives and the
- 2 Committee on Commerce, Science, and Transportation of
- 3 the Senate a plan for the D.C. Metropolitan Area Special
- 4 Flight Rules Area.
- 5 (b) Contents of Plan.—The plan shall outline spe-
- 6 cific changes to the D.C. Metropolitan Area Special Flight
- 7 Rules Area that will decrease operational impacts and im-
- 8 prove general aviation access to airports in the National
- 9 Capital Region that are currently impacted by the zone.
- 10 SEC. 812. FAA REVIEW AND REFORM.
- 11 (a) AGENCY REVIEW.—Not later than 60 days after
- 12 the date of enactment of this Act, the Administrator of the
- 13 Federal Aviation Administration shall undertake a thor-
- 14 ough review of each program, office, and organization with-
- 15 in the Administration, including the Air Traffic Organiza-
- 16 tion, to identify—
- 17 (1) duplicative positions, programs, roles, or of-
- 18 fices;
- 19 (2) wasteful practices;
- 20 (3) redundant, obsolete, or unnecessary functions;
- 21 (4) inefficient processes; and
- 22 (5) ineffectual or outdated policies.
- 23 (b) Actions To Streamline and Reform FAA.—
- 24 Not later than 120 days after the date of enactment of this
- 25 Act, the Administrator shall undertake such actions as may

1	be necessary to address the Administrator's findings under
2	subsection (a), including—
3	(1) consolidating, phasing-out, or eliminating
4	duplicative positions, programs, roles, or offices;
5	(2) eliminating or streamlining wasteful prac-
6	tices;
7	(3) eliminating or phasing-out redundant, obso-
8	lete, or unnecessary functions;
9	(4) reforming and streamlining inefficient proc-
10	esses so that the activities of the Administration are
11	completed in an expedited and efficient manner; and
12	(5) reforming or eliminating ineffectual or out-
13	dated policies.
14	(c) Authority.—Notwithstanding any other provi-
15	sion of law, the Administrator shall have the authority to
16	undertake the actions required under subsection (b).
17	(d) Report to Congress.—Not later than 150 days
18	after the date of enactment of this Act, the Administrator
19	shall submit to Congress a report on the actions taken by
20	the Administrator under this section, including any rec-
21	
	ommendations for legislative or administrative actions.
22	ommendations for legislative or administrative actions. SEC. 813. CYLINDERS OF COMPRESSED OXYGEN OR OTHER
22	SEC. 813. CYLINDERS OF COMPRESSED OXYGEN OR OTHER

- 1 pressed oxygen or other oxidizing gases aboard aircraft shall
- 2 be exempt from compliance with the regulations described
- 3 in subsection (c) to the extent that the regulations require
- 4 that oxidizing gases transported aboard aircraft be enclosed
- 5 in outer packaging capable of passing the flame penetration
- 6 and resistance test and the thermal resistance test, without
- 7 regard to the end use of the cylinders.
- 8 (b) Applicability of Exemption.—The exemption
- 9 provided by subsection (a) shall apply in circumstances in
- 10 which transportation of the cylinders by ground or vessel
- 11 is unavailable and transportation by aircraft is the only
- 12 practical means for transporting the cylinders to their des-
- 13 tination.
- 14 (c) Description of Regulatory Requirements.—
- 15 The regulations referred to in subsection (a) are the regula-
- 16 tions of the Pipeline and Hazardous Materials Safety Ad-
- $17 \ ministration \ contained \ in \ sections \ 173.302(f)(3),$
- 18 173.302(f)(4), 173.302(f)(5), 173.304(f)(3), 173.304(f)(4),
- 19 173.304(f)(5), and 175.501(b) of title 49, Code of Federal
- 20 Regulations.

21 TITLE IX—NATIONAL MEDIATION

- 22 **BOARD**
- 23 SEC. 901. AUTHORITY OF INSPECTOR GENERAL.
- 24 Title I of the Railway Labor Act (45 U.S.C. 151 et
- 25 seq.) is amended by adding at the end the following:

1	"AUTHORITY OF INSPECTOR GENERAL
2	"Sec. 15. (a) In General.—The Inspector General of
3	the Department of Transportation, in accordance with the
4	mission of the Inspector General to prevent and detect fraud
5	and abuse, is authorized to review the financial manage-
6	ment, property management, and business operations of the
7	Mediation Board, including internal accounting and ad-
8	ministrative control systems, to determine compliance with
9	applicable Federal laws, rules, and regulations.
10	"(b) Duties.—In carrying out this section, the In-
11	spector General shall—
12	"(1) keep the chairman of the Mediation Board
13	and Congress fully and currently informed about
14	problems relating to administration of the internal
15	accounting and administrative control systems of the
16	$Mediation\ Board;$
17	"(2) issue findings and recommendations for ac-
18	tions to address such problems; and
19	"(3) report periodically to Congress on any
20	progress made in implementing actions to address
21	such problems.
22	"(c) Access to Information.—In carrying out this
23	section, the Inspector General may exercise authorities
24	aranted to the Inspector General under subsections (a) and

1	(b) of section 6 of the Inspector General Act of 1978 (5
2	U.S.C. $App.$).
3	"(d) Authorizations of Appropriations.—
4	"(1) Funding.—There is authorized to be appro-
5	priated to the Secretary of Transportation for use by
6	the Inspector General of the Department of Transpor-
7	tation not more than \$125,000 for each of fiscal years
8	2011 through 2014 to cover expenses associated with
9	activities pursuant to the authority exercised under
10	this section.
11	"(2) Reimbursable agreement.—In the ab-
12	sence of an appropriation under this subsection for
13	an expense referred to in paragraph (1), the Inspector
14	General and the Mediation Board shall have a reim-
15	bursable agreement to cover such expense.".
16	SEC. 902. EVALUATION AND AUDIT OF NATIONAL MEDI-
17	ATION BOARD.
18	Title I of the Railway Labor Act (as amended by sec-
19	tion 901 of this Act) is further amended by adding at the
20	end the following:
21	"EVALUATION AND AUDIT OF MEDIATION BOARD
22	"Sec. 16. (a) In General.—In order to promote econ-
23	omy, efficiency, and effectiveness in the administration of
24	the programs, operations, and activities of the Mediation
25	Board, the Comptroller General shall evaluate and audit
26	the programs and expenditures of the Mediation Board.

1	Such an evaluation and audit shall be conducted at least
2	annually, but may be conducted as determined necessary
3	by the Comptroller General or the appropriate congressional
4	committees.
5	"(b) Responsibility of Comptroller General.—
6	The Comptroller General shall evaluate and audit Medi-
7	ation Board programs, operations, and activities, including
8	at a minimum—
9	"(1) information management and security, in-
10	cluding privacy protection of personally identifiable
11	information;
12	"(2) resource management;
13	"(3) workforce development;
14	"(4) procurement and contracting planning,
15	practices, and policies;
16	"(5) the extent to which the Mediation Board fol-
17	lows leading practices in selected management areas,
18	and
19	"(6) the processes the Mediation Board follows to
20	address challenges in—
21	"(A) initial investigations of representation
22	applications;
23	"(B) determining and certifying representa-
24	tives of employees; and

1	"(C) ensuring that the process occurs with-
2	out interference, influence, or coercion.
3	"(c) Appropriate Congressional Committees De-
4	FINED.—In this section, the term 'appropriate congres-
5	sional committees' means the Committee on Transportation
6	and Infrastructure of the House of Representatives and the
7	Committee on Commerce, Science, and Transportation of
8	the Senate.".
9	SEC. 903. REPEAL OF RULE.
10	Effective January 1, 2011, the rule prescribed by the
11	National Mediation Board relating to representation elec-
12	tion procedures published on May 11, 2010 (95 Fed. Reg.
13	26062) and revising sections 1202 and 1206 of title 29,
14	Code of Federal Regulations, shall have no force or effect.
15	TITLE X—COMMERCIAL SPACE
16	TRANSPORTATION
17	SEC. 1001. SPACE FLIGHT PASSENGERS.
18	Chapter 509 of title 51, United States Code, is amend-
19	ed—
20	(1) by striking "space flight participant" each
21	place it appears and inserting "space flight pas-
22	senger"; and
23	(2) by striking "space flight participants" each
24	place it appears and inserting "space flight pas-
25	sengers".

Union Calendar No. 19

112TH CONGRESS H. R. 658

[Report No. 112-29, Parts I and II]

A BILL

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

March 23, 2011

The Committees on Science, Space, and Technology and the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union, and or-dered to be printed